

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

215

2023:PHHC:062871

**CWP-23239-2017**

**Date of decision: 02.05.2023**

**SACHIN TINNA**

**..Petitioner**

**Versus**

**STATE OF PUNJAB & OTHERS**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Ashok Kumar Khunger, Advocate  
for the petitioner.

Mr. D.K. Singal, Addl. A.G., Punjab.

Mr. Kapil Kakkar, Advocate  
for respondent No.4, 5, 7, 8, 13 & 17.

**ANIL KSHETARPAL, J(Oral)**

1. While praying for the issuance of a writ in the nature of certiorari, the petitioner prays for quashing the appointment of respondents No.4 to 21 as English teachers.

2. In order to comprehend the controversy involved in the present case, some facts are required to be noticed, which are as follows:-

On 09.09.2012, the Department of Education invited applications for 5078 posts of teachers on contract basis for different subjects, out of which 714 posts were meant for English teachers. As per the recruitment notice, the eligible candidates were required to submit their application form on or before 08.10.2012. One of the main requirements of the recruitment notice was that the candidate should have passed Punjab State Teacher Eligibility Test Part II. The petitioner also applied to the said post. The selection to the post was based on the marks obtained in the qualifying academic examination as well as in the Punjab State Teacher

Eligibility Test. The petitioner passed the Punjab State Teacher Eligibility

Test with 92 marks. On the basis of the marks obtained by the petitioner, the merit list was prepared. The petitioner's name was not on the merit list. There was also a dispute with regard to the correctness of the answer key in the Punjab State Teacher Eligibility Test. Ultimately, on the directions of the Court, the result was revised and the petitioner was awarded 96 marks by adding 4 marks. It on this basis the petitioner claims that candidates lower in merit have been given appointment, hence, the petitioner should be appointed as an English teacher.

3. This writ petition was filed in October, 2017. The last date for the submission of application pursuant to the recruitment notice was 08.10.2012. The marks were awarded to the petitioner on the basis revised answer key in the test. It is the positive stand of the respondent that the final merit list was uploaded on the website of the Department in October, 2014 and the selection process ended. Thereafter, a fresh recruitment notice was issued on 20.11.2015.

4. The learned counsel representing the private respondents submits that the result of the Punjab State Teacher Eligibility Test was revised for all the candidates including the selected candidates, hence, if the benefit of additional marks has been given, it has been extended to everyone who participated in the exam.

5. It is evident that the petitioner's claim is solely based on revision of the result of Punjab State Teacher Eligibility Test in the year 2017.

6. In the considered view of the Court, the benefit of revision of the answer key in the qualifying exam can be claimed by the petitioner with regard to the future recruitments, however, the selection and appointment

process which has already ended cannot be reopened for the petitioner’s sake causing prejudice to other candidates.

7. Keeping in view the facts and discussion, the present petition is dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

May 02<sup>nd</sup>, 2023  
Ay

(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No