

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

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**CWP No.30207 of 2018
Date of Decision : 28.11.2023**

*Meena**..... Petitioner*

versus

*State of Haryana and another**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. A.K. Jain, Advocate, for the petitioner

Mr. Rohit Arya, DAG, Haryana

TRIBHUVAN DAHIYA J.

This petition has been filed seeking a writ of *mandamus* directing the respondents to provide another opportunity to the petitioner to attend interview for the post of Post Graduate Teacher/PGT-Hindi, Category No.7, against advertisement no.4 of 2015, dated 28.6.2015, Annexure P-1.

2. Facts of the case in brief are:

2.1. 6874 posts of (PGT) HES-II, (Group-B Service) were advertised for Department of Secondary Education, Haryana by the Haryana Staff Selection Commission (hereinafter referred to as 'the Commission') vide advertisement no.4 of 2015. Out of these, 367 posts were of PGT-Hindi (Rest of Haryana).

2.2. The petitioner being eligible applied for the post of PGT-Hindi, Category No.7 as a general category candidate. Her application was accepted and admit card for the written test was issued. She appeared for the test on 27.3.2016, was declared successful, and short-listed for the scrutiny of documents to be held from 3rd to 10th April, 2017.

2.3. Her documents were found in order, and she qualified for the interview to be held on 6.9.2018. She kept on checking the date of interviews in the leading newspapers as well as on the Commission's website. The schedule for the interviews, however, could not be noticed by the petitioner as the Commission notified it on their website in the 'HSSC Results' column instead of 'HSSC Interview' column. Later, she came to know about the schedule only on 20.11.2018, and could not appear for the interview as it was scheduled on 6.9.2018 at 9:00 a.m.

2.4. In these circumstances, the instant petition was filed on 28.11.2018.

2.5. During pendency of the petition, pursuant to an interim order, the petitioner was provisionally interviewed. Her result was produced before the Court, and as per statement of learned State counsel, she scored 139 marks (120 in the written examination and 19 in the interview), which were more than those of the last selected candidate, i.e., 136, in her category.

3. Learned counsel for the petitioner has contended that only on account of mistake on the part of Commission in not notifying the call for interview in correct column on the website, the petitioner missed the interview. Besides, it was a *bona fide* mistake that she did not check each and every column on the website and failed to notice the schedule for interviews. She should not be made to suffer for this inadvertent mistake.

4. Learned State counsel, on the contrary, contends that the petitioner was given due opportunity to come for the interview but she remained absent, though other candidates duly appeared. At this stage, she cannot be given appointment. He, however, does not dispute that the

petitioner has scored 139 marks, which are more than those of the last selected candidate in her category.

5. Heard.

6. The petitioner is a meritorious candidate, she cleared written examination for the advertised post and was short-listed for interview also. Only due to inadvertence she could not notice the date of interview for her category of candidates, and failed to appear for the same on 6.9.2018. However, that hurdle has now been crossed, as pursuant to interim directions of this Court she has been interviewed, and has scored more marks than those of the last selected candidate in her category. There is nothing on record to indicate that her mistake in failing to notice the scheduled interview was not *bona fide*, and was in bad faith. Therefore, this Court feels inclined to condone the said lapse, and hold her entitled to be considered for appointment on merit, which is apparent from the marks obtained by her in the selection process.

7. In view thereof, the petition is allowed. The respondents are directed to consider the petitioner for appointment as PGT-Hindi in general category on the basis of 139 marks secured by her in the selection and issue appointment letter, within a period of four weeks from the date of receiving a certified copy of this order.

(TRIBHUVAN DAHIYA)
JUDGE

28.11.2023
Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No