

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

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CWP-5760-2017 (O&M)

Date of Decision: 16.01.2023

RAJAT PANWAR

... Petitioner

Versus

STATE OF HARYANA & ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. RK Chaudhary, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks issuance of directions to the respondents to correct the marks percentage of the petitioner by taking into account Grade Point Average(GPA) i.e. 7.80, as indicated in the Secondary School Examination Certificate dated 04.05.2006 (Annexure P-1), issued by the Board of School Education, Haryana.

Learned counsel for the petitioner submits that the petitioner belongs to Scheduled Castes (SC) Category and had passed his Secondary examination obtaining 7.80 GPA i.e. 345/500 marks; that the petitioner also possesses Three Years' Diploma Course Certificate in Electrical Engineering; that the Director General, Industrial Training Department Haryana, advertised posts of Instructors on contract basis; that pursuant to the said advertisement, the petitioner had applied for post

of Apprenticeship Instructor, under SC Category and that two candidates were selected against the said posts i.e. the petitioner and one Surinder Kumar and there names were mentioned at serial Nos.23 and 34, respectively in the merit list. He further submits that, for 10th class, the petitioner was given 65.17 marks, whereas he is entitled to 78 marks as he has secured 7.80 GPA i.e. 78% in the said examination.

On the other hand, learned State counsel submits that against the posts in question, total 58 candidates had applied and that out of the said candidates, some were having their marks sheet without grading system and some with grading system and thus, in order to settle the said contradiction, the Department concerned vide order dated 11.08.2016 had resolved as under:-

'That, in case of Secondary Examination of CBSE, the percentage/merit is to be calculated out of 500 marks by excluding the marks of additional subject and in case of HSEB, the percentage/merit is to be calculated out of 600 marks'.

Learned State counsel, while emphasizing upon the aforesaid decision, submits that a proper and a uniform criteria was followed by the Department for all the candidates and that as the petitioner has passed his Secondary Examination from the Board of School Education Haryana, therefore, his percentage for secondary examination was calculated out of 600 marks and his GPA score was not taken into account. She further submits that final select list was prepared,

in which the petitioner does not fall and thus, he is not entitled to any relief, as prayed for in this petition.

I have heard the learned counsel for the parties.

I do not find any merit in the argument raised by the learned counsel for the petitioner.

Admittedly, there were two categories of candidates, who had applied for the posts in question i.e. some having marks sheet without grading system and some with grading system. To resolve the said dispute, a conscious decision was taken by the competent authority and after taking into consideration the same, candidatures of all the candidates were considered, uniformly. The petitioner did not fall within the cut-off marks ambit . Hence, his case was not considered. Thus, no infirmity can be found in the decision taken by the Department concerned.

No other point has been urged.

Dismissed.

16.01.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*