

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

**227**

**CWP-5806-2017 (O&M)  
Date of decision: 21.03.2023**

Balbir Kaur

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Ms. Aruna Sachdeva, Advocate for the petitioner.

Mr. Rohit Arya, DAG Haryana.

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**HARNARESH SINGH GILL, J. (ORAL)**

Prayer in the present petition is for issuance of a writ in the nature of Certiorari quashing the result for the posts of Post Graduate Teacher (PGT) Punjabi, declared on 23.02.2017 (Annexure P-15) without disclosing the marks in the written examination and interview conducted on 03.03.2016 and 28.12.2016, respectively.

Learned counsel for the petitioner submits that in terms of the advt. No. 04/2015 issued by respondent No.2-Haryana School Teacher Selection Board, the petitioner had applied for the post of PGT (Punjabi) in BC-B Category and that the candidates three times the total posts, were called for the scrutiny of documents. It is further submitted that the grievance of the petitioner is that no waiting list for the posts of PGT (Punjabi) was prepared by the respondents, whereas it was so done in case of PGT (Mathematics), PGT (Economics) and PGT (Psychology), which arose out of the same very advertisement; that some posts of PGT (Punjab) are still lying vacant and that

the petitioner is next to the last selected candidate in the BC-B Category.

While pointing out that the respondents are adopting pick and choose policy, learned counsel for the petitioner draws the attention of this Court to the order dated 04.04.2019 passed in CWP-23350-2018 by a Coordinate Bench of this Court, wherein the learned State counsel had given a statement that the respondents had been in the process of preparing a waiting list for PGT (Sociology) and accordingly, on the said statement, the writ petition was disposed of as having rendered infructuous. Learned counsel for the petitioner also points out that not only in PGT (Sociology), the waiting lists were also prepared in PGT (Mathematics), PGT (Economic) and PGT (Psychology).

Learned State counsel, while rebutting the arguments of the learned counsel for the petitioner submits that as per the Instructions dated 18.09.2018 issued by the Chief Secretary to Government, Haryana, waiting list in respect of Group-B (Non-Gazetted) posts, is to be prepared and there is no provision for preparing the waiting list for the gazetted posts and the present case is qua PGT which itself is a gazetted post. He further submits that all the waiting lists prepared for the given posts, have been withdrawn. He further points out that the petitioner has secured 106 marks, whereas the cutoff marks in the BC-B Category are 111.

I have heard the learned counsel for the parties and have also gone through the case file and documents produced in the Court.

The statement given by the learned State Counsel in CWP-23350-2018 as recorded in the order dated 04.04.2019 passed by the Coordinate Bench, is not disputed. It is also not disputed that the case of the petitioner is similar. It is, thus, beyond common prudence as to how the

respondents can be allowed to adopt pick and choose policy, and deny the similar relief to the petitioner, whose case admittedly, originates from the same very advertisement.

On the asking of this Court, learned State counsel submits that he has no instructions regarding vacant posts in the subject of PGT (Punjabi).

In view of the above, the present petition is allowed with a direction to the Haryana Staff Selection Commission to prepare a waiting list in the subject of PGT (Punjabi), and to consider the candidature of the petitioner according to her merit in the BC-B Category.

21.03.2023

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No