

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

228

**CWP-6844-2017 (O&M)
Date of decision: 21.03.2023**

Swati Gupta and others

...Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Rohit Arya, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of Mandamus directing the official respondents to prepare a waiting list for the post of Post Graduate Teacher (PGT) Punjabi.

Vide order dated 21.02.2022 passed by a Coordinate Bench, the name of petitioner No.1 has been deleted from the memo of parties.

Learned counsel for the petitioners submits that in terms of the Advt. No. 04/2015 issued by respondent No.2-Haryana School Teacher Selection Board, the petitioners had applied for the post of PGT (Punjabi) in General Category and that the candidates three times the total posts, were called for the scrutiny of documents. The final result was declared on 23.02.2017 (Annexure P-6). It is further submitted that the grievance of the petitioners 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 and that some posts of PGT (Punjabi) are still lying vacant.

While pointing out that the respondents are adopting pick and choose policy, learned counsel for the petitioners 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 petitioners 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 petitioner No.2 and 3, have secured 123 and 109 marks respectively, whereas the cutoff marks in the General Category are 126.

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 petitioners 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 petitioners, 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 petitioners Nos.2 and 3 according to their merit in the General Category.

(HARNARESH SINGH GILL)
JUDGE

21.03.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No