

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

236

**CWP-40615-2018 (O&M)
Date of decision: 15.02.2023**

Vibha Kaushik

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. M.K. Taya, Advocate for the petitioner.

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 certiorari quashing of the selection list dated 23.12.2018 (Annexure P-4) to the extent, it is in violation of Rules of selection process as well as of Articles 14 and 16 of the Constitution of India and to direct the respondent to prepare the fresh selection list in accordance with the Rules by giving preference to the candidates who have completed the eligibility even prior to the advertisement.

Learned counsel for the petitioner submits that the petitioner had applied for the post of Trained Graduate Teacher (TGT) Home Science under the General Category in terms of the advertisement dated 28.06.2015. After written examination and scrutiny of documents, the last selected candidate in the General Category has secured 92 marks, whereas the petitioner has secured 78 marks. He further submits that the marks of experience ought to

have been added to the written marks by calling the candidate for interview.

Learned State counsel submits that the marks of experience is to be counted and added after qualifying the screening test, but as the petitioner has not qualified the screening test, no marks for experience have been given to him.

I have heard the learned counsel for the parties and have also gone through the case file.

Perusal of the case file would itself reveal that the petitioner had applied for the post of TGT Home Science under the General Category in terms of the advertisement dated 28.06.2015 and as per the learned State counsel, the last selected candidate in the General Category has secured 92 marks, whereas the petitioner has secured 78 marks after written examination and scrutiny of documents and the marks of experience is to be counted and added after qualifying the screening test, but the petitioner has not qualified the same. Once, the petitioner had participated in the selection process, she cannot turn around and question the method of selection, especially when no illegality in the conduct of the selection process, has been established on record. Reference can be made to the law laid down by the Hon'ble Supreme Court in Madras Institute of Development Studies and another Vs. Dr. Sivasubramaniyan and others, AIR 2015 SC 3643.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

15.02.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No