

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

LPA-1148-2022 ( O&amp;M )

Date of decision : 11.05.2023

Monika

.....Appellant

Versus

Haryana Staff Selection Commission and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ashish Naik, Advocate,  
for the appellant.

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**RAVI SHANKER JHA, CHIEF JUSTICE** ( Oral )

**CM-2787-LPA-2022**

For the reasons set out in the application, duly supported by  
an affidavit, delay of 12 days in filing the appeal is condoned.

Application is, accordingly, allowed.

**LPA-1148-2022**

This appeal has been filed by the appellant being aggrieved  
by an order and judgment dated 17.10.2022 passed by the learned Single  
Bench, by which the writ petition (CWP No. 22200 of 2021) preferred by  
her seeking direction to the respondent – authorities to appoint her on the  
post of TGT (Science) keeping in view the fact that the vacancies were  
still available, has been dismissed.

Learned counsel for the appellant submits that pursuant to  
the advertisement dated 28.06.2015, the appellant had applied for the  
post of TGT (Science). However, alongwith her application form, she

had not annexed the final result of her having passed B.Ed. examination. The last date for submission of the application form was 12.10.2015. The appellant obtained her provisional B.Ed. result from the authorities on that day itself, but could not annex it alongwith the application form. It is further submitted that she filed this provisional result subsequently, but it was not considered by the respondent - authorities on the ground that it was not filed alongwith the application form. The appellant then approached this Court by filing CWP No. 26060 of 2018, which was allowed vide order dated 28.05.2019 (P-7) and the respondent – authorities were directed to examine her claim. The authorities, thereafter, passed order dated 21.08.2019 (P-8) rejecting the appellant's candidature, whereupon she filed CWP No. 22200 of 2021, which has been dismissed vide the impugned order and judgment. It is further submitted that case of the appellant is identical to that of Priyanka and others in Civil Appeal Nos. 5065-5095 of 2021 [Special Leave Petition (C) No(s). 25184-25214/2018], titled as Haryana Staff Selection Commission Versus Priyanka and others. Vide order dated 01.09.2021 (P-9) passed therein, the Supreme Court allowed the claim of the respondents and issued appropriate directions. Learned counsel for the appellant submits that this aspect has been totally over-looked by the learned Single Bench and benefit of the decision in the case of Priyanka and others (supra) has not been given to the appellant on the ground that she did not approach the High Court or the Supreme Court alongwith Priyanka and others.

Having heard learned counsel for the appellant, we are of the considered opinion that there is no factual error or perversity in the

impugned order and judgment passed by the learned Single Bench, inasmuch as firstly the case of the appellant and that of Priyanka and others is not based on the same factual premise. In the case of Priyanka and others (supra), pursuant to the advertisement, the respondents had applied for the post alongwith their provisional result of B.Ed. examination, whereas the appellant herein had not done so. She had not annexed her provisional result of B.Ed. examination and sought to produce the same subsequently. Secondly, the order dated 01.09.2021 passed by the Supreme Court in Priynaka's case (supra) itself is confined to only those candidates who had approached the High Court or the Supreme Court before passing of the said order, as has been clarified by the Supreme Court vide order dated 09.05.2022 passed in M.A. Nos. 539-569 of 2022 in Civil Appeal Nos. 5065-5095 of 2021. In these circumstances, we do not find any merit in the contention of learned counsel for the appellant.

Quite apart from the above, there is one significant fact in the case of the appellant, which in itself is sufficient to deny any relief to her and that fact, as is borne out from a perusal of the impugned order and judgment, is that the learned Single Bench had called for the OMR sheet of the appellant, which was examined by the Court and was also shown to learned counsel for the appellant – petitioner. On a perusal of the OMR sheet of the appellant, it was observed that there was smudging in the same and as per the terms and conditions laid down for recruitment, which have also been upheld by this Court in **Anshu and others Versus State of Haryana and another** (CWP No. 22918 of 2016, decided on 21.12.2016), in case there is any smudging in the OMR sheet,

the candidate would be declared ineligible to be considered for appointment. In these circumstances, admittedly, since there was smudging in the OMR sheet of the appellant, therefore, she was and is not eligible to be considered for appointment to the post.

In view of the above, we do not find any merit in the instant appeal.

Appeal is, accordingly, dismissed.

( RAVI SHANKER JHA )  
CHIEF JUSTICE

( ARUN PALLI )  
JUDGE

May 11, 2023  
ndj

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| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |