

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113) LPA-518-2024 (O&M)
Decided on : 23.02.2024

Haryana Staff Selection CommissionAppellant(s)

Versus

Sonia Dubey & anotherRespondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI

Present:- Mr.Deepak Balyan, Addl.A.G., Haryana, for the appellant.

G.S. Sandhawalia, ACJ (Oral)

CM-1253-LPA-2024

1. Allowed as prayed for.

CM-1252-LPA-2024

2. Application for condoning the delay of 135 days in refiling the present appeal is hereby condoned, in view of the averments made in the application duly supported by affidavit of the official.

3. CM stands disposed of.

CM-1252-LPA-2024

4. Application for condoning the delay of 65 days in filing the present appeal is hereby condoned, in view of the averments made in the application duly supported by affidavit of the official.

5. CM stands disposed of.

LPA-518-2024

6. Consideration in the present appeal is to the order dated 22.05.2023 of the Learned Single Judge passed in CWP-29102-2018 based on equity for a Reserved Category Candidate (SC category) who is an aspirant for the post of Trained Graduate Teacher (TGT) Science for advertisement No.3/2015 dated 28.06.2015.

7. Having qualified the written examination the candidate had been called for interview for 26.02.2018 and on account of having viral fever, she could not attend the interview on the said date. Resultantly, she immediately approached this Court by filing CWP-29102-2018 and an interim order was passed on 17.11.2018 in her favour by the Learned Single Judge and she was interviewed provisionally and was found to be within the zone of consideration as she had secured more marks than the last selected candidate. Keeping in mind the cumulative facts and the fact that for other posts, second opportunity had been given for scrutiny of documents, the Learned Single Judge had applied the said principle that the scrutiny agency of the Haryana Staff Selection Commission should have a common criteria.

8. A perusal of the written statement would also go on to show that there were 33 posts for the SC category and consideration was apparently done only for 14 posts that also after conversion to General Category as there were not enough candidates available. It is thus apparent that the writ petitioner belongs to the Reserved Category and against the number of posts, State could not fulfill its purpose to fill up all the posts. It has not been mentioned in the written statement that all the posts were filled up of the Reserved Category to which the writ petitioner has been directed to be considered. It is pertinent to notice that the State is already facing shortage of regular TGT and the Reserved Category candidates are more difficult to come by. In such circumstances, in our considered opinion, the discretion which has been exercised by the Learned Single Judge while exercising his extraordinary writ jurisdiction is not liable to be interfered with.

9. Resultantly, in view of the above discussion, the present appeal is hereby dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

February 23rd, 2024
Sailesh

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No