



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-20592-2022 (O&M)
Date of decision: 10.05.2024

Reetu Rani
....Petitioner
Versus

State of Punjab and Others
...Respondents

CWP-20956-2022 (O&M)

Aarish Lota
....Petitioner
Versus

State of Punjab and Others
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.S. Manhas and Mr. Mrinal Deewan, Advocates
for the petitioner in CWP-20592-2022

Mr. Mahir Sood, Advocate for the petitioner in CWP-20956-2022

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. These cases involve similar issues and therefore, are being disposed of together by this common judgment.
2. The prayer made is to direct respondents to add 5 marks, as the petitioners have passed graduation in First Division, which brings their total to 67 marks, more than the last selected candidate, who obtained 66 and appoint them.
3. Learned counsel submit that the petitioners, pursuant to an advertisement dated 30.07.2021, Annexure P-21, had applied online for the post of



ETT Teachers, against 6635 posts, out of which 2588 were under General Category, as they possessed the minimum required qualification of 10+2, diploma in Elementary Education from SERT, Punjab and have also cleared the Punjab State Teacher Eligibility Test. Both the petitioners obtained 62 marks in the written exam, while the last selected candidate had 66. The grievance put-forth is that 5 marks for possessing higher qualification of graduation degree in First Division, have not been granted to both the petitioners, though, they passed the said examination in May, 2020 and June, 2021, respectively, i.e. prior to the cut-off date i.e. 12.09.2021, however, their respective Universities issued the Degrees to petitioner-Reetu Rani on 13.10.2021 and to petitioner-Aarish Lota on 11.11.2021. A pointed reference is made to a public notice dated 09.11.2021, vide which an opportunity was given to candidates to upload the same till 13.11.2021 at 05:00 p.m., which was done by them, as has been stated in para 10 of CWP-20956-2022 admitted in the written statement, while in para 15 of CWP-20592-2022, which has not been denied. While issuing notice of motion, this Court had directed that appointment, if any, for the post in question shall remain subject to the final outcome of the present petitions.

4. Learned Stated counsel refers to para 3 of the preliminary submission of the written statement to submit that marks were not given as the degree of graduation was submitted after the cut-off date i.e. 12.09.2021, though the petitioners otherwise possessed the basic qualifications. However, he has not been able to controvert the submissions as regards the public notice dated 09.11.2021 is concerned, wherein the Department had itself in view of the request received from



other candidates allowed the said degrees to be submitted until 05:00 P.M of 13.11.2021, which the petitioners admittedly did.

5. Concededly, the petitioners were eligible for appointment, having the requisite qualification of 10+2 from a recognised Board, two years ETT course from a recognised University or institution or two years Diploma in Elementary Education and must have passed the Punjab State Teachers Eligibility Test-1, however the additional marks that they could receive for having acquired the qualification of graduation prior to cut off date i.e. 12.09.2021, as per advertisement, were not granted to them, leading to their non-selection.

6. As is discernible from the Degree of petitioner-Reetu Rani, issued by Punjabi University, Patiala, Annexure P-7, she had passed the BA exam with first Division in May, 2020 and petitioner-Aarish Lota, as per certificate of Assistant Registrar, Panjab University, passed the BA exam in June, 2021, while the copy of his Degree produced during the course of hearing, substantiates the said fact and additionally that he obtained first Division. Incontrovertably, the said Degrees were uploaded by the petitioners within the extended period granted through public notice by the respondents, for the said purpose.

7. On the aforesaid premise and as a fall out thereof, the present petitions are disposed of directing the respondents to grant the petitioners additional marks to which they are entitled to, in terms of the Division obtained by them in graduation and if found to be in merit, appoint them against the posts vacant, if any, else in order to secure ends of justice, create supernumerary posts, within a period of two months. Needless to say, they shall be entitled to the



benefits flowing therefrom, only on notional basis and not actual.

8. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

10.05.2024
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No