

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CWP-27989-2019 (O&M)
Date of Decision: 01.02.2024

Poonam Narang

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Ms. Neha Sonawane, Advocate for the petitioner

Mr. Kanwal Goyal, Advocate and Mr. Govind Tanwar, Advocate
for respondent no.2/HSSPP

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* setting aside the letter dated 29.08.2019, Annexure P-8, vide which the shortlist and the provisional selection list of candidates, which included the petitioner, for the post of Assistant Block Resource Coordinators (ABRC) was withdrawn.

2. Learned counsel for the petitioner contends that shortlist as well as the provisional selection list for the post of ABRC were wrongly withdrawn on the plea of verification of certificates by the Haryana School Shiksha Pariyojna Parishad (for short, 'Parishad'). The petitioner, who belongs to physically handicapped category, had scored more than fifty per cent marks in the selection and was rightly placed in the selection list. The

criteria required the candidates belonging to physically handicapped category to score forty-five per cent marks in aggregate in the selection, and the petitioner scored fifty point forty nine per cent marks. Therefore, she has a right to be considered for appointment.

3. Learned counsel for the Parishad, on the contrary, contends that petitioner's provisional result was rightly withdrawn since she was unable to qualify the written examination, wherein the candidates were required to score minimum forty five per cent marks. And undisputedly she scored only twenty-one marks out of fifty in the examination. Therefore, she has no right to be considered for selection. Besides, the issue stands already settled against the petitioner vide judgment, dated 08.11.2019, rendered by this Court in CWP No.24761 of 2019 titled *Rajesh Kumar v. State of Haryana and others*, against which Letters Patent Appeal has also been dismissed.

4. Heard.

5. The petitioner has raised a claim for being considered for appointment as ABRC on the basis of selection criteria for the post in question which was advertised vide advertisement no.01 of 2019, published on 15.06.2019. Reliance has been placed on the Note appended to the criteria which reads as under:

Note:- Written test of objective type will be conducted.

i) The objective type will be of 100 marks, consist of General Knowledge, Mental Ability (Reasoning & Quantitative Technique), Child Development and psychology, Hindi and English (Matric level) and duration of the paper will be 2 hours.

- ii) Minimum scores of 45% for SC/PH and 50% marks for others in aggregate in accordance is required for selection.

By placing reliance on clause (ii) of the Note, it has been claimed that the petitioner, being physically handicapped, was only required to score minimum of forty-five per cent marks in aggregate in the entire selection to be considered for appointment, and this minimum benchmark does not refer to the written test score alone.

6. This very issue regarding Note (ii) of the criteria for the posts advertised on 15.06.2019 was considered by this Court in *Rajesh Kumar* case (*supra*), holding that the Note referred to minimum score in the written test consisting of multiple subjects, and not to the candidates' aggregate score in the selection. Accordingly, action of the Parishad in not considering the candidates who failed to secure the minimum prescribed percentage of marks in the written examination, was upheld. The relevant paragraph of the judgment reads as under:

As per the criteria, 50 marks were assigned for academic and experience and remaining 50 marks for written test. The written test was objective type of 100 marks, consisting of General Knowledge, Mental Ability (Reasoning & Quantitative Technique), Child Development and Psychology, Hindi and English (Matric level) by fixing the duration of the paper as two (2) hours, whereas the candidates belonging to Scheduled Caste/Physically Handicapped category were required to obtain 45% and others 50% in aggregate. The contention of the petitioners that they scored more marks than the last selected candidate is not comprehensible and acceptable as the qualification is not on the basis of the aggregate. The result of all the candidates annexed with the written statement reveals that all

the candidates did not score aggregate of 50% out of 50 marks under the academic qualification.

7. Accordingly, in view of the judgment in *Rajesh Kumar* case (*supra*), which has attained finality, the claim raised by the petitioner cannot be entertained.

8. Dismissed.

9. Pending miscellaneous application(s), if any, stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

01.02.2024
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>