



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.130

CWP-30523-2024
Date of Decision: 12.11.2024

Lila Ram and others Petitioners

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Nikhil Kaushik, Advocate for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Kanwal Goyal, Advocate,
Ms. Sheena Dahiya, Advocate and
Ms. Japanjot Kaur, Advocate for respondent no.3/Commission.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the result of subject knowledge test for the posts of PGT Biology (Rest of Haryana) cadre, dated 14.10.2024, since it is in violation of condition 1(k) of the ‘Scheme/Pattern of the Exam’ in advertisement 18 to 37 of 2024, published on 23.07.2024.

2. Learned counsel for the petitioners contended that the respondents advertised 233 posts of PGT Biology vide the aforementioned advertisement, and about 1800 applicants submitted applications in response thereto, including the petitioners. In terms of condition 1(k) of the Scheme/Pattern of the Exam, only if the number of applicants is less or nearly four times the number of advertised posts, the Commission can call the candidates directly for the subject knowledge test; and in case the number of candidates is more, it is required to hold a screening test for



shortlisting the candidates for subject knowledge test. The Commission, however, violated the said condition and called the candidates, including the petitioners, straightway for the subject knowledge test, though the number of applicants was much more than four times the number of advertised posts. The petitioners came to know of it only after declaration of the test result wherein the total number of applicants was disclosed for the first time. Non-holding of the screening test is not only in violation of the mandatory procedure prescribed in the advertisement, it has caused grave prejudice to the petitioners as they have been made to face the wider competition in the subject knowledge test.

3. Learned counsel for the Commission, on instructions, submits that the petitioners are not entitled to file the instant petition as no prejudice has been caused to them. Besides, there is no violation of procedure in holding the subject knowledge test straightway. After receiving applications for the posts, the Commission decided to hold the subject knowledge test, instead of subjecting the applicants to screening test beforehand, and notified the candidates in that regard vide announcement dated 04.09.2024 (copy whereof has been shown to the Court). The announcement required the candidates to download their admit cards from the link provided on the Commission's website with effect from 07.09.2024; vide this announcement subject knowledge test for various other posts of PGTs and that of Assistant Director was also notified. Therefore, the petitioners were given sufficient time to appear for the test, wherein they appeared without raising any objection. Its result was declared on 14.10.2024, and the instant petition has been filed only after the petitioners remained unsuccessful which is, accordingly, not maintainable.

4. Heard.



5. The relevant condition 1(k) of the advertisement which is said to have been violated by the Commission in holding the subject knowledge test is as under:

Scheme/Pattern of Exam:-

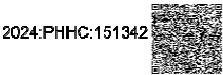
1. Screening Test (wherever applicable)

(a) to (j) xxx

(k) In cases, where the total number of applicants is less or nearly four times the number of advertised posts, the Commission reserves its right to call the candidates directly for the subject knowledge test.

(l) The marks obtained by the candidates in the screening test will not be counted for final selection because it is only for short listing of category-wise candidates, for the subject knowledge test.

5.1. A perusal of these conditions makes it apparent that in case total number of applicants is less or nearly four times the number of advertised posts, a right has been reserved to the Commission to call the candidates directly for the subject knowledge test. Meaning thereby, in the event of total number of applicants being about four times the number of advertised posts, the Commission is within its rights to call the candidates directly for the subject knowledge test. Even in case the number of applicants exceeds four times the number of advertised posts, there is no bar on the Commission in calling the candidates directly for the subject knowledge test. At the same time, there is no stipulation that holding of screening test in the event of applicants being more than four times the number of advertised posts is mandatory. The scheme/pattern of exam itself indicates that screening test is not applicable in all situations. Besides, not holding the screening test cannot prejudice any candidate's rights since there is an explicit condition in the advertisement under Clause 1(l) that marks obtained by the candidates in the screening test are not to be counted for the final selection.



5.2. In the instant case, looking at the number of applicants as well as the infrastructure available, the Commission decided to directly hold the subject knowledge test for the applicants by giving them advance notice to prepare for it which cannot be termed arbitrary or irrational, nor is it in violation of the laid down procedure as discussed hereinabove. Still further, the subject knowledge test was held for many other posts, along with those of PGT Biology, which indicates that the procedure was followed by the Commission generally. Lastly, no prejudice can be said to have been caused to the petitioners for being asked to straightway appear for the subject knowledge test. No right vests in a candidate to insist upon a particular selection procedure for the post he/she has applied for, as it is for the examining body to decide the same; nor can any prejudice be caused to a candidate by the number of applicants appearing for a particular test, to claim thus is illogical and unreasonable. An examinee can have no predilection for a smaller number of co-examinees, nor can their participation be regulated on that account. Every eligible candidate, like the petitioners, has a right to apply for the post; application by one cannot be to the other’s prejudice.

6. For the reasons recorded, this Court finds no ground to entertain the petition, and it stands dismissed *in limine*.

(TRIBHUVAN DAHIYA)
JUDGE

12.11.2024
Maninder

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