



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126+135

Date of Decision: 12.05.2025

1. CWP-9094-2025 (O&M)

SUMAN DEVI AND OTHERS

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

2. CWP-12612-2025

SARWAN KUMAR AND ANOTHER

...Petitioner(s)

Versus

HARYANA STAFF SELECTION COMMISSION AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Ms. Anu Chatrath, Senior Advocate with
Mr. Ratik Kapur, Advocate and
Ms. Dhamanpreet Kaur, Advocate;(in CWP-9094-2025)
Mr. Anand Bhardwaj, Advocate (in CWP-12612-2025)
for the petitioners.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The aforementioned petitions are based upon similar facts involving common issues; accordingly, the same are being decided together. For brevity, the facts have been taken from CWP-9094-2025, which has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 21.10.2024, Annexure P-27, whereby the petitioners' claim for appointment as Art and Craft Teacher in response to advertisement 06/2006, dated 20.07.2006, has been rejected.



2. As per details of the case, in brief, the petitioners are applicants for the posts of Art and Craft Teacher in response to the aforementioned advertisement. They were considered ineligible on the basis of two years Diploma in Art and Craft having been obtained from the deemed University, Janardhan Rai Nagar Rajasthan Vidyapeeth, Udaipur (hereinafter referred to as 'JRN Vidyapeeth'). The issue of their eligibility was finally decided by this Court, vide judgment dated 18.12.2023, rendered in CWP-23467-2021 titled *Reetu Devi and others v. State of Haryana and others*, along with connected cases. The following directions were issued therein:

16. In view of the discussion, all the petitions are allowed, and the respondents are directed to; (1) consider the petitioners eligible for the posts of Art and Craft Teacher advertised vide advertisement no.6 of 2006, as already held by this Court in Krishan Kumar case (supra); (ii) declare the petitioners' final selection result and consider them for selection and appointment(s) as per merit. In case marks secured by the petitioners are more than those of the last selected candidate(s) in their respective categories, they will be given appointment(s) with effect from the date other selected candidates have been so appointed, with all consequential benefits except salary, which will be paid to them from the date of joining the service.

2.1. In terms therewith, the respondents considered the petitioners' case for appointment on the basis of diploma from JRN Vidyapeeth, but they could not be selected on account of being lower in merit. And the impugned order, dated 21.10.2024, has been passed rejecting their case on the ground that they had secured marks below the cut-off under General and BC-B categories, i.e., 142 and 126, respectively.

3. Learned senior counsel, Ms. Anu Chatrath, contends that the petitioners could not have been considered ineligible for the post in the light



of directions issued by this Court in *Reetu Devi* case, and their claim has been wrongly rejected vide the impugned order. She also contends that cut-off marks for the posts under General and BC-B categories were 110 and 108, respectively, as established by the announcement of revised final result dated 26.12.2022, Annexure P-24. The petitioners undisputedly have secured more marks than the cut-offs, still they have not been selected on baseless grounds.

4. Learned State counsel, Ms. Tanushree, has received instructions from the third respondent/Secretary, Haryana Staff Selection Commission, dated 05.05.2025, which are retained on case file as Annexure 'A'. Relying upon instructions she contends that cases challenging the selection in response to the advertisement above mentioned, have been finally decided by the Supreme Court vide judgment rendered in *Neeraj Kumar and another v. State of Haryana and others*, 2023 AIR (SC) 3299, holding as under:

12. The above communication manifests that the Government of Haryana is now ready to accommodate and appoint candidates with Diplomas in Art & Craft from Kurukshetra University, who were found meritorious and were included in the selection list dated 14.11.2021, without adversely affecting the 178 candidates who were conditionally appointed pursuant to the directions of the Punjab & Haryana High Court. As it is no longer in issue that the Diplomas in Art & Craft secured from Kurukshetra University by the 667 candidates in the selection list dated 14.11.2021 stand on par with the Diploma in Art & Craft from Haryana Industrial Training Department, there would be no hindrance to their being considered for appointment and this Court is not required to venture into the equivalence of these qualifications. However, such appointments would now have to be made against the 663 notified vacant posts that would be available, as the 178 appointees are being treated as distinct and separate. These 178 appointees would have to be excluded from



the count of the notified posts under Advertisement No. 6/2006 as they were converted as Art & Craft Teachers (Diminishing Cadre). Appointments to be made pursuant to this judgment would have to be limited to the vacant posts notified under Advertisement No.6/2006 and cannot be extended to later vacancies which have arisen thereafter. Further, the appointing authority would have to strictly go by the merit ranking in the selection list dated 14.11.2021 while making appointments to these available notified vacancies without disturbing the appointments already made or the seniority of such appointees, irrespective of whether or not such appointees found mention in the selection list dated 14.11.2021 and if they did, their merit ranking therein. This is because the review petitioners and others identically situated are now being accommodated and appointed, despite the long lapse of time since the inception of this recruitment process, and more particularly, as those who were appointed have already put in significant length of regular service prior to the belated entry of the new appointees into regular service at this stage. The entire exercise pursuant to this judgment shall be completed by the authorities concerned expeditiously and, in any event, not later than two months from the date of receipt of a copy of this judgment.

In terms of the directions issued, selections for the posts in question were made strictly as per the selection list dated 14.11.2021, Annexure P-18, wherein cut-off marks for General category candidates are 142, and for BC-B category 126. None of the petitioners secured higher marks, and accordingly they did not find place in the select list, dated 14.11.2021.

4.1. Further, 178 appointees, who were recruited in terms of directions issued by this Court vide judgment dated 09.11.2022, rendered in CWP-24339-2021 titled *Manoj Kumar and others v. State of Haryana and others*, have to be excluded from the count of notified posts, in terms of the



directions aforementioned. Still further, some other employees earlier approached this Court seeking appointment on account of being higher in merit than those 178 candidates appointed on the basis of selection list/result dated 26.12.2022, but their petitions were dismissed vide judgment dated 19.02.2025, rendered in *Neelam v. State of Haryana and others*, 2025 NCPHHC 23855. Accordingly, the petitioners' claim has been rightly rejected.

5. Submissions made by learned counsel for the parties have been considered.

6. It is apparent on record that pursuant to directions issued by this Court in *Reetu Devi* case, the petitioners were considered eligible on the basis of their diplomas from JRN Vidyapeeth. However, only on account of being lower in merit they could not be selected. The marks secured by them were found much below the cut-off marks of their respective categories as per the final result dated 14.11.2021, based upon which the selection for the posts was required to be made in terms of directions issued by the Supreme Court in *Neeraj Kumar* case; therefore, no exception can be taken to rejection of their cases. The claim for selection/appointment raised by the petitioners on the basis of selection result, dated 26.12.2022, is not sustainable since this revised result was issued in terms of directions given by this Court in *Manoj Kumar* case, and after the decision in *Neeraj Kumar* case, the said result was not required to be acted upon as specific directions had been issued to make selections strictly as per merit ranking in the selection list/result dated 14.11.2021. It remains undisputed that the petitioners have secured lesser marks than the last selected candidates in their respective categories as per this result. Besides, claims by other candidates based upon their higher marks



vis-à-vis the 178 candidates appointed on the basis of result, dated 26.12.2022, as per directions given by this Court in *Manoj Kumar* case, have already been rejected in *Neelam Rani* case. Therefore, there is no merit in the petitioners' claim.

- 7. The writ petitions, accordingly, stand dismissed.
- 8. Pending miscellaneous application(s), if any, shall also stand(s) disposed of.
- 9. A photocopy of this order be placed on the connected file.

(TRIBHUVAN DAHIYA)
JUDGE

12.05.2025
Ad

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