



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

Sr. No.251

CWP-16059-2023

Date of Decision: 19.03.2025

Rajbir

.... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Sunil K. Nehra, Advocate, assisted by  
Mr. Akash Gahlawat, Advocate,  
Mr. Rahil Mahajan, Advocate,  
Mr. Viren Nehra, Advocate, and  
Mr. Arjun Dosanj, Advocate, for the petitioner.

Mr. Harish Nain, AAG, Haryana.

**TRIBHUVAN DAHIYA, J. (ORAL)**

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the final result of selection for the post of Post Graduate Teacher (PGT) Geography in response to advertisement 4/2015, to the extent the petitioner has not been selected as a General category candidate. Further, a writ of *mandamus* has been sought directing the respondents to recommend him for appointment against the post by granting eight marks of experience, which he is entitled to as per the criteria.

2. The facts of the case in brief are, the aforementioned advertisement was issued on 28.06.2015 for various posts of PGTs, including 272 posts of PGT Geography, out of which 119 posts were meant for General category. The petitioner being eligible applied for the same and participated in the selection process. The result was declared on 23.01.2019,



Annexure P-4, but he could not be selected. The criteria adopted for selection was also mentioned in this notice declaring the final result; it was to the effect-160 marks for written examination, 24 for *viva-voce*, and 16 for experience. Later, certain posts of Special Backward Class (SBC) were put on hold due to Court orders, and the government decided to treat the said posts under unreserved/General category. Result for such posts was announced later vide notification dated 25.02.2021, Annexure P-6. There was another announcement of result of certain candidates, dated 20.11.2022, Annexure P-8, in compliance of orders dated 09.05.2022 passed by the Supreme Court in SLP Nos.25184-25214 of 2018 titled *Haryana Staff Selection Commission v. Priyanka and others*.

2.1. Meanwhile, the petitioner submitted an application dated 02.03.2021 under the Right to Information Act, 2005, and in response thereto he received a memo dated 08.12.2021, Annexure P-9, informing that he had secured 119 marks (108 in written examination + 11 in interview + zero mark for experience). And as per final result dated 23.01.2019, cut off marks of General category were 124. In these circumstances, the instant petition was filed claiming entitlement to marks for experience on the basis of a certificate, dated 30.09.2007, Annexure P-3, issued by Satluj Public School to the effect that the petitioner, having qualification of M.Sc. (Geography) and M.A. (Hindi), had worked as a teacher on regular basis from 01.09.2003 to 30.09.2007. Accordingly, having four years' teaching experience, he claims entitlement to award of eight marks for experience as per criteria which have been wrongly denied by the Commission.

2.2. During pendency of the petition, original selection result was produced before the Court which established the said experience certificate, dated 30.09.2007, was not submitted to the Commission at the time of scrutiny of documents held from 24.04.2017 to 26.04.2017, to claim marks



for experience. And there was a specific column 5 in the scrutiny form to the following effect:

Experience wherever applicable will be considered, only after acquiring the essential qualification along with details of salary of the concerned post and the experience must be countersigned by the Director, Secondary Education of the concerned State even for CBSE/Central Schools & Navodaya Vidhalaya. Teaching experience must be for the post of PGT of the relevant subject.

The petitioner wrote 'NO' against this column.

2.3. Also, the Commission filed an affidavit, dated 24.02.2025, to the effect that notice dated 24.05.2016, Annexure A-1, had been issued to the candidates informing the schedule of written test for various posts, including that of PGT Geography, to be held on 15.06.2016 from 3 to 4.15 p.m.; the following selection criteria was notified therein:

### **Selection Criteria**

**Total Marks: 200**

#### **I. Written Examination 160 marks**

The written examination for the above posts will comprise of 80 multiple choice questions and divided into two portions comprising:-

- i) 75% weightage for General awareness, Reasoning, Maths, Science, English, Hindi etc. (the word etc. means and includes concerned relevant subject),
- ii) 25% weightage for History, Current Affairs, Literature, Geography, Civics, Environment, Culture etc. of Haryana.

**Each question will carry two marks.**

#### **II. Experience 16 marks**

(2 marks for each completed period of one year up to a maximum of 16 marks in teaching of relevant subject)

#### **III. Viva-Voce/Interview 24 marks**

To assess the knowledge of subject, communication skill, General Knowledge, General awareness and Intelligence.



2.4. It needs a mention here that as per stipulations in the advertisement the candidates were given age relaxation in the upper age limit up to five years on the basis of teaching experience. The relevant Note 3 in this regard reads as under:

**Note 3.** Teachers working in privately managed Govt. Aided Schools, recognized schools and Government Schools shall be given age relaxation in upper age limit to the extent of service rendered by them as a teacher subject to a maximum of 5 years once for his/her appointment as per directions of Hon'ble Punjab & Haryana High Court...

The advertisement also notified the documents required to be uploaded along with the application form, which included "Scanned copy of Teaching Experience Certificate (if applicable as per note-3 above)".

3. In this factual background, learned counsel for the petitioner has contended that only due to inadvertence, the petitioner could not submit his experience certificate, dated 30.09.2007, at the time of scrutiny of documents, though it had been issued prior to the closing date for submission of applications for the post. Otherwise, he is entitled to eight marks on the basis of four years' experience he has gained by working in the private school. In case these marks are given, his score becomes 127 which is more than that of the last selected candidate in General category, i.e., 124. This *bona fide* mistake on his part needs to be ignored, and he should be considered for award of marks for experience on the basis of this certificate. In this regard, he has relied upon *Vashist Narayan Kumar v. The State of Bihar and others*, 2024 AIR (Supreme Court) 248. *Secondly*, it has been contended that column 5 of the scrutiny form was a bit confusing for the petitioner, and he remained under the impression that experience certificate was required only for age relaxation in terms of Note 3. Since he was below the maximum age to apply, there was no requirement on his part to upload



the teaching experience certificate. *Thirdly*, it is contended that one General category post has been kept vacant in terms of interim order passed by this Court, and no other candidate would be prejudiced on account of the petitioner's appointment.

4. Learned State counsel, on the contrary, submits that the petitioner is not entitled to be considered for award of marks for experience at this stage, since he has never claimed the same by submitting the requisite experience certificate. In this regard, he has pointed to an essential stipulation in the scrutiny form requiring that experience would only be considered after acquiring the essential qualification along with details of salary of the concerned post. In line therewith, the candidates were required to submit their teaching experience certificate(s) at the time of scrutiny of documents which the petitioner failed to do. He also contends that all the candidates were duly notified about the selection criteria vide notice dated 24.05.2016, i.e., two marks for each completed period of one year up to a maximum of sixteen marks for teaching the relevant subject. The petitioner was well aware of the same and cannot be allowed to take benefit of any alleged *bona fide* mistake on his part. Allowing him consideration at this stage would be prejudicial to the interests of other candidates who have not been granted such an opportunity.

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

6. Conceded position on record is that the petitioner did not submit his experience certificate to the Commission at the time of scrutiny of documents from 24.04.2017 to 26.04.2017. This has been claimed to be an inadvertent mistake on his part, and he has tried to explain it by suggesting he remained under the impression that the only purpose for which experience certificate was required from the candidates was for claiming age



relaxation in terms of Note 3 of the advertisement (reproduced in para 2.4 above). This explanation appears to be an afterthought, and cannot be accepted for the reason the Commission did notify selection criteria to the candidates prior to holding of written examination, vide public notice dated 24.05.2016, prescribing that the candidates would be entitled to two marks for each completed year of teaching the relevant subject, up to a maximum of sixteen marks. Again, at the time of scrutiny of documents, the candidates were required to fill up a form; column 5 whereof again asked them, “Experience wherever applicable will be considered only after acquiring the essential qualification along with details of salary of the concerned post...”. The petitioner responded to the query in the negative by writing ‘NO’ against it. Therefore, it cannot be accepted that he was unaware about the requirement to submit experience certificate to claim marks for experience. He not only failed to submit the requisite certificate, but specifically declined to do so in response to a query in the scrutiny form, as mentioned herein before.

7. Secondly, all the candidates were required to comply with the conditions in the advertisement, and the petitioner, undisputedly, failed to do so. The selection process was carried out as per the terms stipulated which concluded with the declaration of final result, vide announcement dated 23.01.2019. The subsequent declarations of partial results vide announcements, dated 25.02.2021 and 20.11.2022, were for specific reasons as explained therein, i.e., decision taken by the government to transfer SBC category posts to unreserved/General category, and directions issued in SLP Nos. 25184-25214 of 2018 regarding certain category of candidates. The petitioner cannot take any benefit of the same since so far as he is concerned, the final result stands declared on 23.01.2019, wherein he could not be selected. At this stage, after conclusion of the entire selection, his claim for



consideration on the strength of a post having been kept vacant, is not sustainable. A vacant post in itself does not confer any right on a candidate to be considered for appointment. The post has been kept vacant only to allow consideration in case the petitioner's entitlement for the same is established. In the light of discussion herein above, evidently, he has not been found entitled to the post since marks for teaching experience were never claimed by him during the process of selection despite the opportunity having been given for the purpose. And after the selection is over, the consideration cannot be allowed as it would amount to treating him differently from other candidates who remained bound by the stipulations in the advertisement, and their candidature was considered strictly in terms therewith.

7.1. Lastly, the reliance placed by learned counsel for the petitioner on the judgment rendered in *Vashist Narayan Kumar* case (*supra*) is also misplaced, since in that matter the candidate while uploading application form online had mentioned his date of birth as 08.12.1997, though in the school marksheet it was reflected as 18.12.1997. This error on his part was not considered material; it had no bearing on the selection as such. And the candidate being oblivious of the error, had himself produced the educational certificates before the authorities reflecting his correct date of birth. In these peculiar circumstances, it was held that the candidate could not be penalised for the insignificant error which made no difference to the ultimate result. In the instant case, however, the document which the petitioner has failed to upload, i.e., experience certificate, has a direct bearing on the selection, as he is claiming marks on that basis which will entitle him to come within the zone of consideration for the post. It cannot, in any manner, be termed as a trivial error which will make no difference to the ultimate result.



8. In view of the discussion above, finding no merit in the petition,  
it stands dismissed.

(TRIBHUVAN DAHIYA)  
JUDGE

19.03.2025  
Maninder

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