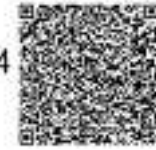


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**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.**

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**CWP-25649-2017 (O&M).
Date of Decision: 05.03.2025.**

DEEPAK AND ANOTHER

... Petitioners

Versus

UNION OF INDIA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Kartar Singh Malik, Advocate,
for the petitioner.

Ms. Archana Vashisht, Advocate, for
Mr. Gaurav Pathak, Senior Panel Counsel,
for the respondents/UOI.

VINOD S. BHARDWAJ, J. (ORAL)

Challenging the rejection slip dated 19.09.2017 (Annexure P-5)
with regard to petitioner No.2 as well as the rejection slip dated 13.10.2017
(Annexure P-6) qua petitioner No.1, whereby the candidature of the
petitioners has been rejected, the present writ petition has been filed.

2 Learned counsel for the petitioners contends that being eligible,
the petitioners had applied for the post of Soldier Clerk/Store Keeper
Technical (All Arms). The relevant extract of the eligibility prescribed in the
advertisement issued by the respondents is extracted as under: -

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“10+2/Intermediate Examination Pass in any stream (Arts, Commerce, Science) with 60% in aggregate and minimum 50% in each subject. Should have studied and passed English and Maths/Accounts/Book Keeping in Class X or class XII with 50% marks in each subject. In case of graduate with Maths and English as subject in BSc, the stipulation of 50% in CI X or CI XII is waived off. In case of graduate without English and Maths/Accts/Book Keeping, he should have scored more than 50% in English and Maths/Accts/Book Keeping at least once in C X or CI XII.”

(Emphasis supplied)

3 The details of the marks obtained by petitioner No.1-Deepak are extracted as under:-

Sr. No.		Marks obtained/Result					
	Subject	Ist Sem. Weightage 50%	IInd Sem. Weightage 50%	Marks Obtained	Maximum marks	Grade	Grade point
1	English Core	39	42	081	100	A-	08
2	Hindi Core	42	39	081	100	A-	08
3	Geography	32	40	072	100	B+	07
4	Fine Arts	44	42	086	100	A	09
5	Physical Education	44	43	087	100	A-	08
6	Mathematics	24	-	-	100		
	Total Marks			407	500		

4 He further refers to the marks of petitioner No.2-Amit which are extracted as under: -

Sr. No.	Subject	Ist Sem. Weightage 50%	IInd Sem. Weightage 50%	Aggregate	Grade	Grade point
1	English Core	24	33	057	B-	05

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2	Hindi Core	36	29	065	B	06
3	Geography	33	27	060	C+	04
4	Fine Arts	45	39	084	A-	08
5	Physical Education	43	37	080	B+	07
6	Mathematics	34	-	-	-	-

5 He submits that the petitioners fulfilled the twin conditions prescribed by the respondents i.e. 60% marks in aggregate and 50% marks in each subject. He contends that the petitioners had taken optional subject of mathematics and that passing of the optional subject is immaterial as per the information received by the petitioner from Haryana School Education Board dated 18.09.2017 which reads thus:-

“Sub: With regard to formula to pass 10+2 examination for the year March 2015.

On the above cited subject, as per the application dated 18.9.2017 given by you, it is hereby informed that as per the formula of March 2015 10+2 examination, it was mandatory to pass in 5 subjects. If any student had opted the additional subject then that candidates had been declared pass. For example, that student has opted additional subject as Mathematics then that student has been declared pass as per the formula adopted in class 10+2.”

6 Learned counsel for respondents/Union of India, on the other hand, contends that the candidature of the petitioners has been rightly declined as they did not fulfil the material requirements.

7 I have heard the learned counsel for the respective parties and have also gone through the documents appended with the present petition.

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8 Undisputedly, the petitioners have passed the compulsory subjects with more than 60% marks in aggregate and more than 50% marks in each subject as required, however, as per the eligibility conditions prescribed in the advertisement, the subject specific requirement was also prescribed. A candidate who had applied for the said post was also required to have studied and passed English and Maths/Accts/Book Keeping in Class 10th or 12th with more than 50% marks.

9 Undisputedly, the petitioners herein have applied on the strength of the optional subject of mathematics. The requirement of possessing 50% marks in either of the three subjects viz Math/ Accts/Book Keeping was also an essential condition for a candidate. It is also evident from a perusal of the marksheet of the petitioner that they have not studied Accounts and Book Keeping either in 10th or in 12th class and have only studied maths, but they have not secured more than 50% marks in the subject of mathematics to be eligible.

10 Hence, finding no illegality or impropriety in the impugned orders passed by the respondents and the same being strictly in accordance with the eligibility conditions prescribed in the advertisement, the instant writ petition is dismissed.

March 05, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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