



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.241

CWP No.17046 of 2023

Date of Decision: 07.08.2025

Ritu Rani

.... Petitioner

Versus

Haryana Staff Selection Commission and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R.K. Malik, Senior Advocate, with
Mr. Samrat Malik, Advocate, and
Mr. Anshul Labana, Advocate, for the petitioner.

Mr. Parveen Mehta, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the notice regarding detailed result *qua* the petitioner, dated 27.10.2022, Annexure P-9, whereby she has been declared ineligible for the post of PGT Mathematics in Rest of Haryana cadre in response to advertisement 4/2015.

2. As per averments in the petition, the respondent/Haryana Staff Selection Commission issued the aforementioned advertisement inviting applications for 1427 posts of PGT Mathematics; out of which 624 posts were for General category, later increased to 686 in terms of Government instructions, dated 05.03.2019, requiring the posts meant for Special Backward Class (SBC) category to be treated as General category posts. The closing date for submission of application forms was 21.09.2015, which was



subsequently extended up to 12.10.2015. The petitioner applied for the post as she fulfilled the requisite qualifications, which are as under:

(a) Matric with Hindi/Sanskrit or 10+2/B.A./M.A. with Hindi as one of the subject.

(b) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET) of respective subject for the post applied, conducted by Board of School Education Haryana, Bhiwani.

She was allotted roll number 61001028, and was called for written examination held on 06.03.2016; it was cleared by her as per the result dated 17.10.2016, Annexure P-4. Interviews for the posts were held on 07.11.2016 to 10.11.2016, wherein the petitioner appeared and produced all her certificates including those of M.Sc. Mathematics (Previous and Final), but could not be selected.

2.1. Final selection result was declared on 12.01.2019, Annexure P-8. After transferring SBC category posts to General/unreserved category, final result for the remaining posts was declared on 05.09.2019. Thereafter, 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*, the Commission modified the result on 06.09.2022, Annexure P-10.

2.2. It has also been mentioned that individual results of the candidates were uploaded by the Commission on its website on 27.10.2022, Annexure P-9, wherein the petitioner was shown to have been found not eligible.

2.3. Thereafter, the petitioner submitted an application seeking details of her total marks, and in response thereto, vide letter dated 29.03.2023, Annexure P-11, it was informed that she obtained total 116 marks (written test=96, interview=20, experience=0), and had been found



not eligible due to M.Sc. certificate having been issued to her after the cut-off date/12.10.2015.

2.4. The petitioner submitted representations to Secretary of the Commission between 17.04.2023 to 27.06.2023, Annexures P-12 to P-15, but no response could be elicited. She, therefore, approached this Court by filing instant petition.

3. In these circumstances, learned senior counsel for the petitioner contended that the petitioner's candidature had been wrongly rejected by declaring her ineligible on the ground that M.Sc. certificate was issued after the cut-off date, i.e., 12.10.2015. In fact, she had qualified M.Sc. Mathematics in 2008 by securing more than fifty per cent marks which made her eligible for the post in question. She improved her marks in a couple of papers of the M.Sc. course between 2009 to 2015 and, resultantly, a consolidated detailed marks card (DMC) to that effect was issued to her on 24.12.2015. This certificate was wrongly considered by the Commission to decide her eligibility, which was to be determined on the basis of original DMCs of M.Sc. Mathematics (Previous and Final), dated 05.09.2007 and 27.09.2008, respectively. She has secured 116 marks as General category candidate against the cut-off marks, 115, and is more meritorious. She has been declared ineligible for no fault of hers, and has a right to be appointed against the post lying vacant.

4. Learned State counsel, however, contends that the final selection result was declared on 12.01.2019, and the petitioner approached this Court after a long delay in 2023. She never raised any grievance regarding her non-selection before the Commission at the relevant time. Besides, none of the advertised posts is vacant, and a specific affidavit to that effect has also been filed by the Director, Secondary Education, dated 07.08.2025, which is as under:



8. That as the post of PGT is Gazetted Group-B; therefore, the waiting list is not admissible in light of the instructions referred supra. Once the HSSC has recommended the names of 686 candidates to the Department for the post of PGT Mathematics against the Advertisement No. 4/2015, the name of any other candidate including the petitioner cannot be considered as it would tantamount to giving rise to waiting list. Furthermore, once the appointment procedure has been completed as per law, seats remaining vacant deemed to be opened for fresh candidates creating a right to be considered when process of recruitment started again and same are carried forward in the further advertisement. It is pertinent to mention here that the Department sent requisition of 250 posts of PGT Mathematics against the advertisement No.29/2023 and 414 posts of PGT Mathematics against the advertisement No.28/2024 and these seats were available for fresh candidates as per law and these seats have been put in public domain and same have been consumed by eligible candidates. Further, the Department has issued the appointment letter to eligible candidates against Advertisement No.29/2023 and 28/2024 selected by Haryana Public Service Commission, Panchkula respectively. Accordingly, there is no vacancy available for the post of PGT Mathematics against Advertisement No.4/2015 in General Category.

Therefore, in the absence of any post being vacant, the petitioner's candidature cannot be considered.

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

6. The petitioner has approached this Court seeking consideration as a General category candidate for the post of PGT Mathematics on the basis of M.Sc. Mathematics certificate issued prior to the cut-off date, i.e., 12.10.2015. However, there is no document or material on record establishing the fact that original DMCs were ever submitted to the Commission along with the application form, or produced at the time of



scrutiny of documents. Besides, DMC dated 24.12.2015, stated to have been produced by the petitioner at the time of scrutiny, does not, in any manner, indicate that she had cleared M.Sc. (Final) on any date prior thereto. The only indication is that the earlier DMC had been cancelled due to revision of result on account of improvement of marks. Further, it stands established on record that none of the posts advertised pursuant to advertisement in question, 4/2015, is vacant as on date. As per the affidavit filed by the Director, which has not been controverted, there have been subsequent requisitions by the Department also for filling up vacant posts of PGT Mathematics resulting in issuance of advertisements, 29/2023 and 28/2024; against these posts also the selected candidates have been appointed. And in the absence of any post, the petitioner’s candidature cannot be considered. Still further, none of the appointed candidates, who will be affected by the outcome of the petition, has been impleaded as a party respondent.

7. In view thereof, the relief claimed by the petitioner cannot be granted, and the petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

07.08.2025
Maninder

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