



CWP-19345-2021

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

Serial No. 236

CWP-19345-2021

Decided on: 07.04.2026

Sarabjeet Kaur

. . . Petitioner

Versus

State of Haryana and another

. . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Jitender S. Chahal, Advocate
for the petitioner.

Mr. Rohit Arya, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to consider the petitioner's appointment to the post of Post Graduate Teacher (PGT) Punjabi against advertisement 4/2015, dated 28.06.2015.

2. Facts of the case in brief are, respondent no.2/Haryana Staff Selection Commission issued the aforementioned advertisement inviting applications for various posts, including 179 posts of PGT Punjabi, out of which eighty were under the unreserved/General category. The petitioner applied for the same as a General category candidate and cleared the written examination held on 03.03.2016. She was called for scrutiny of documents on 06.12.2016, vide notice dated 30.11.2016. Subsequently, another notice dated 22.12.2016 was issued, whereby eligible candidates equal to twice the



number of advertised posts were called for interview. The petitioner could not appear for scrutiny of documents and was, accordingly, not shortlisted for interview. The final selection result was announced on 23.02.2017.

2.1 As per this announcement, result for the posts belonging to Special Backward Class (SBC)/Backward Class (C) category was withheld based upon instructions dated 23.02.2017, stipulating that, in view of directions issued by this Court, the Government had decided not to make any appointment for the abovesaid categories on the basis of provisions of the Haryana Backward Classes (Reservation in services and admissions in educational institutions) Act, 2016. Thereafter, as per decision taken by the Government, the Commission decided to transfer SBC posts under unreserved/General category. Pursuant thereto, and in continuation of earlier notice dated 22.12.2016 (whereby the candidates were earlier called for interview on the basis of scrutiny of documents on 06.12.2016), the Commission issued another notice dated 14.09.2021, Annexure P-20, calling the candidates for interview on 27.09.2021, for consideration against seven posts transferred to General category from SBC category. But the petitioner's roll number did not figure in this notice.

2.2 In these circumstances, the petitioner filed the instant petition, and vide interim order dated 24.09.2021, the Commission was directed to provisionally interview her along with other candidates on 27.09.2021, subject to her eligibility. Her result, however, was ordered to be kept in a sealed cover, to be produced before this Court. As per pleaded case of the respondents, due to inadvertence the petitioner's result was opened and she was declared selected as a General category candidate on the basis of merit.



Her name was then recommended for appointment to the Government, subject to final decision of the instant petition, and was issued letter of appointment as PGT (Punjabi) (HES-II) in Rest of Haryana cadre along with other candidates vide office order dated 20.01.2022. A copy of this order has been placed on record by the Department by way of short reply dated 17.06.2022 as Annexure 'A', stating that the petitioner's claim has been settled and the petition has been rendered infructuous. Ever since she has been working as such.

2.3 A separate reply has been filed on behalf of Commission, dated 30.11.2022, stating that the petitioner was rightly not called for interview for seven unreserved posts transferred from SBC category vide notice dated 14.09.2021, since she had failed to appear for scrutiny of documents in response to the earlier notice dated 30.11.2016.

3. In this factual background, learned counsel for the petitioner contended, once the petitioner has already been appointed on the post vide office order dated 20.01.2022, it establishes her eligibility and entitlement for the same. There is no reason as to why she should not be allowed to continue working as such.

4. Learned State counsel opposed the case by referring to the written statement filed on behalf of the Commission on the basis of objection raised therein that, having remained absent during the scrutiny of documents in response to earlier notice dated 30.11.2016, the petitioner was not entitled to further consideration. Accordingly, she was rightly not called for interview vide subsequent notice dated 14.09.2021.



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

6. As apparent on record, the petitioner successfully cleared the written examination for the post of PGT Punjabi and was called for scrutiny of the documents vide notice dated 30.11.2016; however, she remained absent and, consequently, could not be selected. The selection result was declared on 23.02.2017. Later, pursuant to a decision to transfer SBC posts to General category, the Commission issued another notice dated 14.09.2021, calling the candidates for interview for those posts. The petitioner was not called, and the justification offered is that after remaining absent for scrutiny of documents in response to an earlier notice, she forfeited her right to be called for any further consideration vide subsequent notice, dated 14.09.2021, as well. This assertion is without any basis as the notice, dated 22.12.2016, was only for shortlisting twice the number of candidates after scrutiny of documents for *viva-voce*/interview to be held on 28.12.2016 against the posts available at that time; it did not make any mention of the future vacancies, if any, or the rights of candidates *qua* such posts. This is apparent from the notice itself which reads as under:

2. It is important to note that after scrutiny of documents if a candidate is found eligible it will no confer any right of interview and the candidates only falling within twice the number of vacancies shall be called for interview. In case a candidate does not appear for scrutiny of documents, he/she will not be considered for Viva-voice/Interview and no further opportunity will be given thereafter.

Further, the later notice, dated 14.09.2021, issued by the Commission was on account of subsequent decision taken by the Government to transfer SBC

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posts to unreserved/General category, and excluding the petitioner therefrom only on the basis of her absence from scrutiny of documents which was meant for interview against other posts on 28.12.2016, is unreasonable, irrational and arbitrary. Besides, it cannot be lost sight of that despite pendency of the petition, the petitioner has already been appointed by the Government vide office order dated 20.01.2022, and a prayer has also been made on their behalf to consider the petition as having been rendered infructuous on that basis. On this account also, the objection to the petitioner's candidature for the post by the Commission needs to be rejected, particularly when it is only a recruiting agency for the Government which has already accepted her candidature and appointed her to the post unconditionally, without making the appointment subject to final outcome of this petition.

7. In view thereof, rejecting the contentions on behalf of the Commission, the petition stands disposed of as having been rendered infructuous.

07.04.2026*Mehak***(TRIBHUVAN DAHIYA)
JUDGE**

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