



CWP-40526-2018

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

Serial No. 210

CWP-40526-2018

Decided on:21.01.2026

Manju

. . . Petitioner

Versus

State of Haryana and others

. . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Kamal Kumar Mor, Advocate and
Mr. Ajay Lather, Advocate
for the petitioner.

Mr. Amit Sahni, Additional Advocate General, Haryana
assisted by Mr. Harmanjit Singh Johal, Advocate.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to interview the petitioner for the post of PGT (Commerce) in response to advertisement 4/2015 on the basis of her marks in the written examination as a General category candidate, and consider her for appointment to the post.

2. It is claimed that pursuant to the advertisement aforementioned, the petitioner applied for the post of PGT (Commerce) and participated in selection process as a General category candidate, but was not called for interview. She had the requisite documents showing her five years' experience and the same were attached with the application form as well, but no marks for the experience were granted to her. Had the petitioner been granted ten



marks for experience, she would have secured ninety-six marks which were more than that of the last selected candidate called for the interview in the General category, i.e., ninety-two.

3. Learned State counsel, however, contended that candidates were called for interview only on the basis of marks of written examination, as marks for experience were not to be counted for this purpose. He has referred to the following assertions/statements in that regard in the written statement filed by respondent no.3/Commission:

7. That as far as contention of the petitioner in para No. 9 and 10 of instant writ petition regarding adding the marks of experience in the marks of written exam is concerned, in this regard, it is submitted that in the advertisement it was clearly mentioned that the Commission will shortlist the candidates for interview by holding written examination. Relevant clause of the advertisement is reproduced hereunder:-

Special Instruction:-

"The prescribed essential qualification does not entitle a candidate to be called for interview. The Commission will short list the candidates for interview by holding a written examination. The decision of the Commission in all matters relating to acceptance or rejection of an application, eligibility/suitability of the candidates, mode of, criteria for selection etc will be final and binding on the candidates. No enquiry or correspondence will be entertained in this regard."

A bare perusal of the above clause shows that candidates to be called for interview will be shortlisted by holding written examination, meaning thereby the marks of the experience are not to be added to the marks of written examination and then the candidates have to be



called for interview. Therefore, the petitioner was not called for interview due to lesser marks. The marks of experience are added at the time of preparing the final result after conducting the interview, meaning thereby, that the Commission calls the candidate for interview on the basis of marks of written examination and scrutiny of documents and marks of interview are added only after interview.

In the present case, the petitioner secured lesser marks in written exam, whereas the cut off for interview in General Category was 92 marks. Therefore, petitioner was not called for interview. Further, marks of experience are added while preparing the final result but not while calling the candidates for interview.

4. Learned counsel for the petitioner is not in a position to dispute the facts aforementioned that the criteria for shortlisting the candidates for interview was the marks secured by them in the written examination, without counting the marks for experience. And the petitioner secured eighty-six marks in the written examination as against ninety-two by the last shortlisted candidate in the category. Therefore, she cannot claim consideration for the post on the strength of experience marks.

5. Similar issue has been decided by the Division Bench as well in LPA-2207-2017 titled *State of Haryana through its secretary (Legal), Haryana Staff Selection Commission v. Subhash Chander and others* by holding as under:

23. The stand of the State has already been examined, which is now reiterated by filing of an affidavit by the Secretary of the Commission. It has been demonstrated by giving weightage as such of the experience, if it is to be considered at an earlier point of time, it would amount to



exclusion of meritorious people from the zone of consideration, merely because of 8% of the marks to be awarded. In such circumstances, it was for the expert body and the recruiting agency as such to see whether they wanted persons with experience or they wanted one with merits.

24. A perusal of the advertisement would also go on to show that the eligibility criteria of age was also from 18 years to 42 years and, therefore, even the persons with experience had been brought within the zone of consideration and the benefit of experience was to be granted, but it could not be said that it would be at the cost of merit. The view of the expert body was thus never taken into consideration, which in the opinion of this Court was not justified in the facts and circumstances.

25. Resultantly, we are of the view that the manner in which the matter was decided being a policy matter, is not sustainable in the peculiar facts and circumstances. Resultantly, for the reasons given above we are constrained to set aside the judgment of the learned Single Judge and dismiss the writ petitions, since the selection process has already been long completed. Accordingly, the appeals filed by the Commission are allowed and the order dated 14.09.2017 is set aside. All pending civil miscellaneous applications, if any, also stand disposed of.

6. In view thereof, finding no merit in the petition, it stands dismissed.

21.01.2026
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(TRIBHUVAN DAHIYA)
JUDGE

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