



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

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**CWP-31394-2018(O&M)
Date of Decision: 20.04.2026**

VIJAY LAXMI

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Sardavinder Goyal, Advocate with
Mr. Sarwinder Goyal, Advocate and
Mr. Nishant Sindhu, Advocate
for the petitioner.

Mr. Sunil Ranga, Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to recommend the petitioner for appointment against the post of TGT Science as Scheduled Caste(SC) category candidate in Rest of Haryana(RoH) cadre in response to advertisement 03/2015, published on 28.06.2015.

2. Facts of the case in brief are, the respondents had advertised total 895 posts, out of which 755 were reserved for SC category, to which the petitioner belongs. She applied for the post on the basis of her qualification of Bachelor of Science (B.Sc.) - three years degree course awarded by the University of Mumbai, dated 05.02.2011, Annexure P-3. She cleared the written test as per announcement of result dated 08.08.2018, Annexure P-17, and was thereafter called for scrutiny of documents on 24.08.2018. The



Commission found her eligible and was shortlisted for interview vide notice dated 14.09.2018, Annexure P-8, which was to be held on 26.09.2018. The final selection result was declared vide announcement dated 17.10.2018, Annexure P-10; however, her roll number did not figure therein. She approached this Court by filing the instant petition. During pendency of the petition, the petitioner's final result was produced, which showed she had secured 110 marks in the written examination alone, whereas the last selected candidate under the SC category secured total 65 marks (written test plus interview). It is also a matter of record that as per the final result, only 434 candidates were recommended for appointed under the SC category in RoH cadre against 755 posts which were advertised by the Commission, and 321 remained vacant. A statement to that effect has been made before this Court on behalf of the State as well, which stands recorded in the short order dated 17.01.2019.

3. The facts aforementioned have not been disputed in the reply filed on behalf of the Commission. The only objection taken therein to the petitioner's candidature is that she did not have the requisite combination of subjects in her B.Sc. degree course. As per the essential qualification mentioned in the advertisement, in case of B.Sc. the candidates were required to have a combination of atleast three subjects out of five, i.e., Physics, Chemistry, Botany, Zoology and Mathematics. Although the petitioner studied Chemistry, Botany and Zoology during three years of the degree course, her candidature has been rejected on the ground that she has not studied all three subjects in each year of the course which makes her ineligible.



4. Learned counsel for the petitioner contends that there is no stipulation in the essential qualification requiring a candidate to study the combination of three subjects out of five in each year of the degree course. He further submitted that the petitioner studied a combination of three subjects during the entire degree course, and is entitled to be considered eligible for the post in terms of the laid down qualification.

5. Learned State counsel, however, submits that the essential qualification cannot be read to mean that a combination of three subjects is to be studied in entire course. The requirement is to study the three subjects in each year of the course, and the Commission has not considered any of the candidates eligible for the post who have not studied such a combination. Also, he contended that the final selection result was announced on 17.10.2018, and all the selected candidates were appointed. Subsequently, vide subsequent advertisement 02/2023, dated 21.02.2023, the Commission again advertised 233 posts of SC category in RoH cadre, and selection *qua* them is also complete. Accordingly, the petitioner's appointment cannot be made.

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

7. It remains undisputed on record that the petitioner has duly cleared the selection process for the post of TGT Science pursuant to the advertisement in question. She applied for the post on the basis of B.Sc. degree, and studied subjects of Chemistry, Botany, Zoology and Foundation Course-I in first year; Chemistry, Zoology and Foundation Course II in second year; and Zoology and Fishery Biology in third year of the degree course, as established from the detailed marks certificates appended as



Annexure P-3 to the petition. Accordingly, she had the requisite combination of three subjects during the degree course.

7.1. The essential qualifications for the post laid down in the advertisement read as under:

Cat. No.1 895 posts of TGT Science (including 754 posts of Backlog) (Re-advertised)

E.Q. i B.Sc. and 2 year Diploma in Elementary Education

OR

B.Sc. with at least 50% marks and 1 year Bachelor in Education (B.Ed.) ...

ii In case of B.Sc. a combination of at least three subjects out of the following:

(1) Physics (2) Chemistry (3) Botany (4) Zoology (5) Mathematics

Note: In the case of Hons. Degree, in any of the above mentioned subjects, the candidate must have studied other two subject in the first and second year of course.

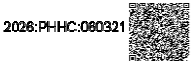
A plain reading of these qualifications makes it apparent that the only requirement for the candidates is to have atleast three subjects out of five, i.e., Physics, Chemistry, Botany, Zoology and Mathematics, in B.Sc. Nowhere is it required that a combination of three subjects has to be studied in each year of the course. There is no stipulation to that effect in the qualification laid down, nor can it be read by implication. The objection to the petitioner's candidature on that basis, therefore, appears to be unfounded. It is not clear as to wherefrom the said condition has been read into the essential qualification by the Commission. The plain words cannot be assigned a meaning different from the one they convey. Learned State counsel is also not in a position to come up with the basis of reading the rule in the manner it has been done by



the Commission. The only explanation put forth by him is that none of the candidates who applied for the post has been considered eligible unless he/she studied the said combination of three subjects in each year of the course. However, such an explanation being contrary to the requirement itself cannot be agreed to. If the Commission has wrongly applied the requirement so far as other candidates are concerned, it cannot be a ground to declare the petitioner ineligible as the requirement of subjects being insisted upon has no basis, as discussed hereinbefore. Accordingly, the petitioner's right to be considered for appointment cannot be defeated in the manner it has been done, by completely misconstruing the requirements under the qualification.

7.2. Further, the objection regarding non-availability of post can also not be a ground to deny appointment to the petitioner, who has secured much higher marks as against the marks secured by the last selected candidate in SC category. It is because, concededly pursuant to the final result of selection dated 17.10.2018, 321 posts of SC category remained vacant. And even vide the subsequent advertisement, 02/2023, only 233 posts of SC category for the RoH cadre were advertised. Therefore, it cannot be said that no posts are vacant with the Department as on date. Still further, non-availability of posts at the moment cannot be a ground to not consider the petitioner's candidature who has been wronged on account of a legal error committed by the Commission.

8. Accordingly, the writ petition is allowed and the respondents are directed to consider the petitioner for appointment to the post of TGT Science on the basis of her result and offer appointment, subject to the fulfillment of other requisite conditions, notionally from the date other selected candidates



benefits from the date of joining. The directions shall be carried out by the respondents within four weeks of receiving a certified copy of the order.

9. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

20.04.2026
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>