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

**CIVIL WRIT PETITION NO.\_\_\_\_\_\_\_\_OF 2020**

Deepak Kumar -------------- Petitioner

Versus

Haryana Staff Selection Commission ---------Respondent

***I N D E X***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. No. | Particulars | Dated | Pages | Court Fees |
| 1. | List of Dates and Events | 29.9.2020 | 1-2 | -- |
| 2. | Civil Writ Petition | 29.9.2020 | 3-11 | 50.00 |
| 3. | Affidavit | 29.9.2020 | 12 | -- |
| 4. | Annexure P-1 (Advertisement) | 23.7.2015 | 13-20 | 5.20 |
| 5. | Annexure P-2(Application form) | --- | 21 | 1.00 |
| 6. | Annexure P-3 (certificates)colly | --------- | 22-26 | 3.25 |
|  |  |  |  |  |
| 7. | Annexure P-4 (Roll no.) |  | 27 | 1.00 |
| 8 | Annexure P-5 (Notice for verification of documents) | 17.7.2020 | 28 | 1.00 |
| 9 | Annexure P-6 (Clarification letter) |  | 29 | 1.00 |
| 10. | Annexure P-7 (Notice to eligible candidates for interview) | 11.9.2020 | 30--32 | 2.00 |
| 11 | Annexure P-8 (representation | 16.9.2020 | 33 | 1.00 |
| 12 | Annexure P-9 (Last Interview Notice) | 28.9.2020 | 34-35 | 1.30 |
| .13 | Power of Attorney | 28.9.2020 | 36 | 3.00 |
| Total Rs.69.45 | | | | |

NOTES:

1. That the main law points involved in this writ petition are contained in Para No. at Page No. of the Writ Petition.

2. Relevant Rules/Act/Statutes

i) Constitution of India.

3. Similar case if any: -NIL-

4. Whether Caveat Petition has been filed in this case :NO

**PLACE:CHANDIGARH (SURESH AHLAWAT)**

**DATED: 29.9.2020 Advocate**

**Counsel for the Petitioner**

**P-370/1994**

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

**CIVIL WRIT PETITION NO.\_\_\_\_\_\_\_\_OF 2020**

Deepak Kumar Petitioner

Versus

Haryana Staff Selection Commission Respondent

**(B)**

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Court Fees Rs.

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**PLACE:CHANDIGARH (SURESH AHLAWAT)**

**DATED: 29.9.2020 Advocate**

**Counsel for the Petitioner**

Civil Writ Petition under Articles 226/227 of the Constitution of India seeking issuance of an appropriate writ, order or direction, especially in the nature of Mandamus, directing the Respondent to issue the interview letter to the petitioner for the post of Trained Graduate Teacher (T.G.T) English on the basis of his marks (92 out of 160 ) in the written examination, as the last candidate who secured equalant marks i.e 92 out of 160 has been called for interview ,**which is going on w.e.f. 5-6 October,2020**  (only for two days)

And/Or

To issue any other writ, order or direction which this Hon'ble High Court may deems fit and proper in the peculiar facts and circumstances of the case;

**RESPECTFULLY SHOWETH:-**

1. That the petitioner is permanent resident of State of Haryana/Delhi and Citizen of India, hence is entitled to invoke the extra ordinary writ jurisdiction of this Hon'ble Court under Articles 226/227 of the Constitution of India.

2. That the brief facts leading to file the present writ petition are that the Haryana Staff Selection Commission, Panchkula, invited the applications for 694 posts of Trained Graduate Teacher (English) in the Education Department Haryana vide advertisement no. 9/2015 dated 23.7.2015. A copy of the advertisement dated 23.7.2015 is enclosed herewith **as annexure P/1.**, Out of total 694 posts, 93 posts were reserved for B.C.-A category, against which the petitioner had applied on line. Copy of application form/registration slip is attached herewith as **Annexure P-2** .The educational qualification and eligibility prescribed for the post of TGT (English) as per advertisement is as under :-

**EDUCATIONAL QUALIFICATION. ELIGIBILITY:-**

**TRAINED GRADUATE TEACHERS (TGT) (GROUP-C SERVICES)**

**DEPARTMENT OF ELEMENTARY EDUCATION, HARYANA**

**QUALIFICATIONS COMMON TO ALL POSTS**

* **Eligibility:**-

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.

**Note- The candidates those who are having/passed HTET till the date of interview after advertisement will be allowed for interview on the basis of acquiring HTET (Test) till the date of interview.**

(c) Essential qualification (EQ) is given with each post.

* **Age:** 18‐42 years, relaxation as given in special instructions.

For working teachers upper age relaxation (See Note-2).

**Cat. No. 1 694 posts of TGT English Except District Mewat (Rest of Haryana).**

**E.Q.** i. B.A. with at least 50% marks in English as an elective subject and 2 year

Diploma in Elementary Education;

OR

B.A. with at least 50% marks as well as in English as an elective subject and 1 year Bachelor in Education (B. Ed.);

OR

B.A. with at least 45% marks as well as 50% marks in English as an elective subject and 1 year Bachelor in Education (B. Ed.), in accordance with NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard;

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4 year Bachelor in Elementary Education (B. El. Ed):

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4 years B.A. Ed.;

OR

B.A. with at least 50% marks as well as in English as an elective subject and 1 years B. Ed. (Special Education);

ii. In case of B. Ed. English as a teaching subject from a recognized university.

1. That it is submitted that the petitioner is in possession of the educational qualification of matric with Hindi, 10+2, B.A. with English (Compulsory) and B.Ed with English with more than 50% marks from recognized university. he had qualified the HTET examination in the subject area of T.G.T. (English). The petitioner is also belonging to B.C.-A Category at the time of applying his application form. The copies of the certificate of the essential educational qualifications for the post of TGT (English) are enclosed herewith **as annexure P/3 (colly)**.
2. That it is submitted that the petitioner being duly qualified and eligible submitted the application form on line of the website of the Haryana Staff Selection Commission (here in referred to HSSC), for the post of TGT (English) well in time (closing dated was 15.10.2016) in the cadre of Rest of Haryana, under the B.C.-A Category  **. After that** finding him eligible for the post, the Haryana Staff Selection Commission had issued the admit card (for appearing in written test) to the petitioner by showing/allotting his roll number as 72122927 for participating in the selection process for the above said post.

5. That it is submitted that the Haryana Staff Selection Commission had issued the notice to the candidates for holding the written examination on 7.2.2016 for the post of T.G.T.(English). The petitioner had appeared in that written test. Than after appearance in written test, petitioner had made the self assessment of his marks in the written test and as per his self assessment by making the comparison of his OMR sheet with the answer key, he had scored 92/160 marks in the written test. It is pertinent to mention here that at the time of written examination of the said posts, one copy of the questions paper and one carbon copy of the answer sheet is being given to the each candidates further after conducting the written examination of the said posts ,answer key was uploaded by the respondent on its website to calculation the correct questions /answer marks. It is further mentioned here that at present time, book let of questions papers and answer key are in bad condition and are not legible and readable due to very old of the year Feb.2016 . Only one page of question booklet is legible and readable of this, which shows his roll no. 72122927, is attached herewith as **Annexure P-4.**

6. That it is submitted that the result of the written test for the post of TGT (English) was declared on 3.9.2016 by the Commission. Petitioner had cleared the said written test successfully; however, he was called for the documents verification vide notice dated 17.7.2020 to ascertain twice number of

candidates for the interview round. than petitioner was called for scrutiny of documents on 4.8.2020 (which were held from 4.8.2020 to 7.8.2020) A Notice dated 17.7.2020 regarding scrutiny of documents of those candidates who have cleared the written test is attached herewith as **Annexure P-5 .**It is pertinent to mention here that respondent along with this notice dated 17.7.2020 , attached one notice also , regarding clarification of the latest education qualification of the said post . Copy of this notice is attached herewith as **annexure P-6.**

7. That at the time of scrutiny of documents, the petitioner ;s documents were got verified on 4.8.2020, he was shown in B.C.-A category.

8. That after completion of the process of the scrutiny of documents than respondent/Commission finalized the list of eligible (two times) candidates for interview vide notice dated 11.9.2020. further in this notice , cut of marks of the last candidate in the B.C.-A category was shown 92 marks, However, the roll numbers of the petitioner was not figured there, as the petitioner was never treated in the interview zone . Petitioner had got same marks i.e. 92, according his self assessment, according to answerer key which was uploaded by the respondent . Copy of the said notice dated 11.9.2020 issued by the Commission to the eligible candidates for interview, for the post of TGT (English) is attached herewith as **Annexure P-7.**

9. That thereafter on 16.9.2020 petitioner immediately took the step and represented his grievance on portal of the respondent commission that his candidature will be considered in interview list ,he had secured more than 92 marks in the written test .This representation is still pending and its status had shown “Processing” . A copy of the said representation dated 16.9.2020 is attached herewith as **Annexure P/8.**

10. That It is further submitted that the last candidate having 92 marks has been called for the interview for the said post. The petitioner has made the assessment of his marks in the written test and as per his assessment by making the comparison of his OMR sheet with the answer key, he had scored same marks 92/160 in the written test. Thus, he had scored same marks in the written test itself , therefore, he will must come in the interview zone for the said post . Thus, the petitioner is eligible and entitled to be considered for the interview for the said post in B.C.-A category. However, the respondent commission has wrongly and erroneously ignored the claim of the petitioner and he has been deprived from the interview zone , on the said post in an illegal and arbitrary manner.

11. That pursuant to the documents verification, the respondent/Commission declared the list of candidates called in for the interview finally. The merit of the B.C.-A category went up to 92/160. However, the petitioner didn’t find his name in the final list. It is pertinent to mention here that as per the answer keys; the petitioner attempted 46 questions correctly and thus secured 92/160 marks .However, when the result of scrutiny of documents for the interview, twice in number was announced; the petitioner has been excluded. the petitioner inquired about it; it was verbally told that petitioner’s merit is less than 92 which cannot be true. Thus, the petitioner deserves a chance to appear in interview.

12. That respondent again issued the last notice on 28.9.2020 of remaining candidates for interview which is going on 5-6 Octber-2020 but the petitioner has not been called in. A copy of the last interview notice dated 28.9.2020 is attached herewith as **Annexure P-9**.

13. That the Respondent commission is committing continuous illegality by not supplying the result of the candidates to them thereby unnecessarily forcing them to approach this Hon’ble High Court again and again. In modern technology, result can be sent to the respective candidates by a mere command in computers and no manual work is required.

14. That the petitioner is duly eligible for the interview as per his marks. The Respondent Commission may be directed to produce authentic result of the petitioner before this Hon’ble High Court to ascertain petitioner’s eligibility.

15. That the substantial questions of law involved in this writ petition are as under:-

a) Whether the petitioner is entitled to appear in the interview?

b) Whether the Respondent is duty bound to provide separate result of the candidates to him?

c) Whether grave and manifest injustice has been done with the petitioner?

16. That there is no other alternative remedy of appeal or revision available with the petitioner except to approach this Hon’ble High Court under Article 226/227 of Constitution of India.

17. That the petitioner has not filed any such or similarly writ petition either in this Hon'ble Court or in the Hon'ble Supreme Court of India.

**It is, therefore, respectfully, prayed that:-**

(i) The records of the case may be called for;

ii) filing of the certified/true copies of the Annexures be dispensed with;

(iii) advance notice upon the respondents be dispensed with;

(iv) an appropriate writ, order or direction under Articles 226/227 of the Constitution of India may kindly be issued in the nature of mandamus, directing the Respondent to issue the interview letter to the petitioner for the post of T.G..T (English) on the basis of his marks (92 out of 160 ) in the written examination as the last candidate who secured equalant marks i.e 92 out of 160 has been called for interview ,which is going on 5-6 October,2020.

(v) this Hon'ble High Court may also pass any other order, writ or direction which this Hon'ble High Court may deems fit and proper in the peculiar facts and circumstances of the case;

(vii) costs of the writ Petition be also awarded to the petitioners.

**It is, therefore, prayed that during the pendency of the present writ petition selection process may kindly be stayed . AND /OR**

It is, therefore, further prayed that petitioner may be provisionally interviewed for the post of T.G.T. (English) subject to outcome of the said writ petition.

It is, therefore, further prayed that one post of T.G.T. (English) may kindly be reserved under the B.C.-A category for the present petitioner, during the pendency of the present petition ,in the interest of justice.

**Chandigarh**

**Dated: 29.9.2020**

**Through Counsel**

**(SURESH AHLAWAT)**

**Advocate**

**Verification.**

Verified that the contents of para 1 to 14 and 16 to 17 are true and correct to my knowledge. Legal averments are made in para 15 on the advice of the counsel and the same are believed to be correct. No part thereof is false and nothing has been concealed therein.

Place

Dated:-29.9.2020

List of Events

**23.7.2015** Respondent /Staff Selection Commission advertised the total 694 post of TGT English . 93 posts were reserved for B.C.-A category, against which the petitioner had applied on line.

Petitioner is in possession of the educational qualification of matric with Hindi, 10+2, B.A. with English (Compulsory) and B.Ed with English with more than 50% marks from recognized university. he had qualified the HTET examination in the subject area of T.G.T. (English).

**7.2.2016** That it is submitted that the Haryana Staff Selection Commission had issued the notice to the candidates for holding the written examination on 7.2.2016 for the post of T.G.T.(English). The petitioner had appeared in that written test.

as per his self assessment by making the comparison of his OMR sheet with the answer key, he had scored 92/160 marks in the written test

**3.9.2016** Result of the written test for the post of TGT (English) was declared on 3.9.2016 by the Commission. Petitioner had cleared the said written test successfully;

**17.7.2020/4.8.2020** however, he was called for the documents verification vide notice dated 17.7.2020 to ascertain twice number of candidates for the interview round. than petitioner was called for scrutiny of documents on 4.8.2020 (which were held from 4.8.2020 to 7.8.2020)

**11.9.2020** That after completion of the process of the scrutiny of documents than respondent/Commission finalized the list of eligible (two times) candidates for interview vide notice dated 11.9.2020. further in this notice , cut of marks of the last candidate in the B.C.-A category was shown 92 marks, However, the roll numbers of the petitioner was not figured there.

**16.9.2020** That thereafter petitioner immediately took the step and represented his grievance on portal of the respondent commission that his candidature will be considered in interview list ,he had secured same 92 marks in the written test .This representation is still pending and its status had shown “Processing” That the last candidate having 92 marks has been called for the interview for the said post.

That petitioner inquired about it; it was verbally told that petitioner’s merit is less than 92 which cannot be true. Thus, the petitioner deserves a chance to appear in interview.

**28.9.2020** That respondent again issued the last notice on 28.9.2020 of remaining candidates for interview which is going on 5-6 Octber-2020 but the petitioner has not been called in.

**Hence this writ petition**

**PLACE:CHANDIGARH (SURESH AHLAWAT)**

**DATED: 29.9.2020 Advocate**

**Counsel for the Petitioner**

REGISTRATION SLIP (TGT POST)

HARYANA STAFF SLECTION COMMISION

CAT. NO.1 TGT .ENGLISH Adv. 9.2015

Registration no.559001103 Password 6905B533BB

Applicant name**:- Deepak Kumar Father’s Name Ram Kumar**

Mother .s name Geeta Devi Spouse Name Meera Devi

**Date of Birth:- 3.5.1980** Gender :- Male

Marital Status:- Married **Cat. BCA**

Birth Place :- Vill. Mumtaj Pur

Aadhar :- 260275773447

**Qualification**

**Board/Uni Passing Year Obt./total**

Matric BSEB Bhiwani 1998 331/600

Graduate :- MDU Rohtak 2003 600/1200

Diploma ( B.Ed.) MDU Rohtak 2010 600/1200

Marks in English 15/300

Present Address Vill. Mumtaj Pur PO Baspadamka, Pataudi ,Ambala

Correspondence Vill. Mumtaj Pur PO Baspadamka, Pataudi ,Ambala

**123 + 124 + 125**

**CWP-16170-2020**

**SAVITA KUMARI V/S STATE OF HARYANA AND OTHERS**

**CWP-16229-2020**

**PAWAN KUMAR AND ORS V/S STATE OF HARYANA AND ORS**

**CWP-16230-2020**

**SUSHILA V/S STATE OF HARYANA AND ORS**

**(PROCEEDINGS THROUGH V.C.)**

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Present Mr. Saurabh Dalal, Advocate

for the petitioners in CWP-16170-2020 & CWP-16230-2020.

Mr. Jasbir Mor, Advocate

for the petitioners in CWP-16229-2020.

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Having heard the learned counsel for the petitioners, the grievance of the petitioners appears to be that they have, in pursuance to the objections invited by the Haryana Staff Selection Commission (herein after referred to as 'Commission'), and submitted their objections to the answer key, which has been uploaded on the website of the Commission. According to the communication dated 27.08.2020, objections could be submitted by the candidates from 28.08.2020 to 30.08.2020 up to 5:00 PM. Despite the objections having been submitted by the petitioners, no decision to have taken by the Commission as nothing was conveyed to them. It has further been stated that even if the objections have been accepted or rejected, the revised answer key or the final answer key should have been uploaded by the Commission but the same has not been done. Counsel, thus, contend that the petitioners have probably because of non-consideration of their objections, failed to achieve the criteria required for being called for scrutiny of documents-cum-interview. This, the counsel assert, in the light of the list of candidates which has been uploaded by the Commission on its website calling upon the candidates depicting their roll numbers for scrutiny-cum-interview/viva-voce provisionally on 01.10.2020, 03.10.2020 and 04.10.2020. Counsel submit that the petitioners are few marks short of the

Minimum criteria required for being called for scrutiny of the documents-cum-interview on provisional basis and if the objections, which they have

Submitted, are accepted, they would make the minimum criteria required for the said purpose.

**Notice of motion.**

On the asking of the Court, Ms. Kirti Singh, DAG, Haryana,

accepts notice on behalf of the respondents. Learned counsel for the

petitioners undertake to send the complete copies of these writ petitions along with annexures to Ms. Kirti Singh, DAG, Haryana, during the course of the day on her email address. Reply(s) to the writ petition on merits be filed especially with regard to the objections which has been raised by the petitioners, before the next date of hearing with an advance copy to the learned counsel for the Petitioners. Scrutiny of the documents of the petitioners as well as their Provisional interview be done/taken by the Commission on any of the dates, which have been fixed for the said purpose for other candidates. The result of the petitioners shall be kept in the sealed cover. The objections as submitted by the petitioners, if already considered, the decision taken thereon be conveyed to them and it be specifically answered to the Court as to why the final answer key has not been uploaded by the Commission on its website after the consideration of the objections filed by the candidates.

List for further consideration on **16.10.2020.**

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

**CIVIL WRIT PETITION NO.\_\_\_\_\_\_\_\_OF 2020**

Deepak Kumar ----------- Petitioner

Versus

Haryana Staff Selection Commission --------Respondent

AFFIDAVIT OF Deepak Kumar son of Ram Kumar Aged 40 years, Resident of Village- Mumtajpur P.O. Bas Padakma Tehsil Pataudi ,Gurugram .

I, the above named deponent do hereby solemnly affirm and declare as under:-

1. That the deponent is filing the accompanying writ petition, the contents of which may also be treated as a part of this affidavit.

2. That the deponent is competent to file this affidavit and is well conversant with the facts and circumstances of the case. The averments made in the present writ petition are true and correct to my knowledge. No part of it is false and nothing material has been kept concealed therein.

Place :-

Dated .9.2020

**VERIFICATION:**

Verified that the contents of my writ petition are true and correct to my knowledge. No part of it is false and nothing has been concealed therein.

**PLACE: CHANDIGARH**

## DATED: .9.2020