

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2191-2019 (O&M)

Anju ...Petitioner(s)

Versus

State of Haryana and others ...Respondent(s)

1.	The date when the judgment is reserved	May 15, 2026
2.	The date when the judgment is pronounced	07.07.2026
3.	The date when the judgment is uploaded on the website	07.07.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Mazlish Khan, Advocate for the petitioner
Mr. Aakash Singla, Additional Advocate General, Haryana

TRIBHUVAN DAHIYA, J.

The petition has been filed seeking a direction to the respondents to consider the petitioner for selection and appointment against the post of Trained Graduate Teacher (TGT) Physical Education, category no.2, pursuant to advertisement 03/2015, notified on 28.06.2015; and permit her to appear for interview as the only reason she could not do so was non-receipt of Haryana Teacher Eligibility Test (HTET) certificate.

2. Succinctly, the facts of the case are, the petitioner applied for the post in question in response to the aforementioned advertisement issued by the Haryana Staff Selection Commission (HSSC) as a General/unreserved category



candidate well before the closing date, and cleared the written examination as per its result announced on 20.04.2017, Annexure P-9.

2.1. The laid down eligibility conditions in the advertisement required the candidates to possess, '*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.*'

2.2. Based on the written examination result, the candidates were called for scrutiny of documents from 10 to 12.05.2017, 27 and 28.06.2017, and on 23.11.2018, by issuing different public notices from time to time. The petitioner, however, could not appear for the same since her HTET certificate/result was awaited; she had appeared for the test on 24.12.2017. Its result was initially declared in March, 2018, but she could not qualify the same. Later, the Board of School Education, Haryana, granted grace marks to the candidates and revised the test result. On that basis, the petitioner qualified the test and was issued a certificate dated 13.09.2018, Annexure P-5. It was however sent to her by the Board through registered post after some delay on 21.12.2018, and could be delivered on 26.12.2018 at 14:46 hours, as apparent from the tracking report of the consignment placed on record as Annexure P-12.

2.3. In the meanwhile, interview was held on 24.12.2018, which had been notified by the Commission vide notice dated 17.12.2018, Annexure P-11. Prior thereto, the petitioner had approached the Commission by submitting representation dated 19.12.2018, Annexure P-13, duly informing that she was

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unable to produce original HTET certificate before the scrutiny committee as the same had not been received. She approached the School Board also and was informed that the certificate had already been dispatched vide registered post. She accordingly requested for being called for interview which was not accepted. Soon after the interviews the petitioner made another representation dated 27.12.2018, Annexure P-14, seeking consideration for selection by enclosing her HTET certificate which had been received on 26.12.2018, copies of postal receipts were also enclosed. The respondents chose not to respond. The interviews were however conducted as scheduled and the selection result was declared on 04.01.2019.

2.4. In these circumstances, the petitioner approached this Court by filing the instant petition and was interviewed by the Commission in compliance of interim direction dated 08.05.2019. Her provisional result has been placed on record as Annexure 'A' showing that she has scored 58 marks in the written examination and 15 in *viva voce*, making it 73 in total.

3. In this factual background, learned counsel for the petitioner contends that the petitioner's right to be considered for the post in question cannot be defeated as she could not appear for scrutiny of documents as well as interview for *bona fide* reasons. Although she appeared for HTET and cleared the same in 2018, but the certificate to that effect was delivered much later. In any case, she has now been interviewed and has scored more than the last selected candidate. Besides, on grounds of parity also the petitioner is entitled to be considered for selection, as the Commission has earlier been directed to consider a similarly placed candidate for selection vide order dated 24.08.2021, passed in CWP-3629-2019 titled *Budh Ram v. State of Haryana and others*.



4. *Per contra*, learned State counsel contended that the petitioner has no such right as despite repeated notices calling her along with other candidates for scrutiny of documents to shortlist the candidates for interview, she failed to appear without indicating any reason. In terms of note appended to the announcement, dated 20.04.2017, calling the candidates for scrutiny, '*in case a candidate does not appear for Scrutiny of Documents he/she will not be considered for Viva-voce/interview and no further opportunity will be given thereafter. It is important to note that after the scrutiny of documents if a candidate is found eligible it will not confer any right of interview and candidates only falling within twice the number of vacancies shall be called for interview.*' These conditions having been violated by the petitioner, and she cannot be considered for selection, nor can her interview marks be taken into account. Besides, it is a conceded position on record that she was not qualified for the post under the laid down conditions, as she did not have the requisite HTET certificate up to the date of interview which was received by her only on 26.12.2018. And in terms of law laid down by this Court vide judgment dated 02.02.2021, rendered in CWP-38102-2018 titled *Satbir Singh v. State of Haryana and others*, a candidate qualifying HTET after the interview cannot be considered eligible. He also contended that *Budh Ram* case (*supra*) should not be followed as the aforementioned condition mentioned in the announcement calling the candidates for scrutiny, has not been deliberated upon therein. It mandatorily required their presence at the time of scrutiny to be considered for interview.

4.1. Regarding the availability of posts and the marks secured by the last recommended female candidate, learned State counsel, on instructions from

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Ms. Arpandeeep Kaur, Law Officer, HSSC, submitted that as per announcement of final result dated 04.01.2019, 144 candidates were recommended for appointment under General category; the last recommended male candidate secured 108 marks and female candidate secured 94. Thereafter, vide announcement dated 05.12.2019, 61 more candidates were recommended by the Commission, taking the total to 205; the last recommended male candidate secured 104 marks and female candidate secured 84. The cut-off marks were further reduced as 26 more candidates of General category were considered against ESM General category posts which remained vacant; resultantly, vide announcement dated 19.02.2020, the last recommended male candidate secured 101 marks and female candidate secured 77. Further, a waiting list of candidates was issued vide announcement dated 15.09.2021, Annexure P-18, which was challenged before this Court by filing CWP-13636-2023 titled *Kavita Rani and another v. State of Haryana and others*, on the ground that the Commission had failed to provide reservation to thirty-three per cent female candidates thereby. The Government issued instructions dated 17.07.2024, clarifying that it had been decided to implement thirty-three per cent reservation for females on the pattern of reservation for other horizontal reserved categories. Accordingly, the petition was disposed of vide order dated 17.07.2024, directing the respondents to carry out the entire exercise afresh as per the said instructions. In terms therewith, the Government issued a memo dated 29.01.2025, Annexure P-19, by excluding 7 male candidates from the waiting list earlier notified, dated 15.09.2021, and including 7 new female candidates in the said list as per merit. Based upon the number of vacancies, five female candidates from that list were recommended for appointment in General category. The last recommended

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candidate, Renu Kumari, secured 71 marks; however, she did not join and the post remained vacant. Assuming, the petitioner's candidature is to be considered by including the marks of interview for which she appeared under orders of this Court (despite being not entitled as already submitted), it would not be possible to recommend her as the excluded male candidates have challenged the order dated 17.07.2024, passed in *Kavita Rani* case, before the Division Bench by filing LPA-2725-2024 titled *Kuldeep Singh and others v. State of Haryana and others*. It is on the ground that they have been wrongly excluded from the waiting list, as thirty-three per cent horizontal reservation to female candidates already stands provided based upon the selection results. After hearing the arguments, operation of order dated 17.07.2024 has been stayed; the appeal is still pending adjudication.

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

6. Apparently, the petitioner cleared the written examination for the post in question and was called for interview/*viva voce* also, but did not appear for the same for want of HTET certificate. In terms of stipulations in the advertisement, the requirement of possessing HTET certificate was to be fulfilled till the date of interview, which was held on 24.12.2018. It is also a fact on record that she cleared HTET and was issued the certificate to that effect dated 13.09.2018, though it was delivered to her after the interview on 26.12.2018. The facts with regard to late delivery of the certificate have remained undisputed. When the certificate was not delivered but the date of interview had been notified, she did approach the Commission seeking consideration on the ground that she had cleared the test but was unable to get



the certificate on account of postal delay. The Commission however did not pay any heed to the request; interviews were held and the selection result was declared on 04.01.2019, forcing the petitioner to approach this Court.

6.1. The respondents have tried to justify the petitioner's non-consideration on the ground that (i) the requirement to qualify HTET up to the date of interview was not satisfied by her, and (ii) after failing to appear for scrutiny of documents she could not have been interviewed on the basis of eligibility subsequently acquired. Both the objections are not sustainable. *Firstly*, interviews for the post were held on 24.12.2018, leading to declaration of selection result on 04.01.2019 and recommendation of the candidates for appointment on that basis. However, the Commission recommended 61 more candidates for appointment thereafter vide announcement dated 05.12.2019. This only showed the selection process was on up to December 2019, and interviews had also been conducted prior thereto. And undisputedly by that time the petitioner had received HTET certificate for the test she qualified on 13.09.2018, which made her eligible for consideration. She had not been shortlisted for interview on account of not being in possession of the requisite HTET certificate at the time of interview which had been dispatched prior thereto but delivered subsequently. Although this delay alone would not entitle her to consideration, the subsequent developments would, that is, the Commission recommending more candidates for appointment on 05.12.2019 and her receiving the HTET certificate before that, giving her the eligibility. Once the Commission itself relaxed stipulations in the advertisement and interviewed the candidates again making appointments after declaration of final selection result, the condition to possess eligibility/HTET certificate on the date



of first interview only, could not have been insisted upon, nor could the petitioner be denied consideration on that basis. Also, after gaining eligibility she has been provisionally interviewed under orders of this Court, and has secured more marks as compared to the last selected candidate. *Secondly*, non-compliance with the condition to appear for scrutiny of documents too cannot be a ground to deny consideration to the petitioner. The purpose to call the candidates for scrutiny was to shortlist them for interview and the reason for her non-appearance was non-receipt of HTET certificate; for this reason she could not have been disqualified for interview as well, as the requirement was to possess the certificate up to the date of interview. Once due to the subsequent developments, as discussed hereinbefore, the petitioner has been considered eligible for interview on the basis of HTET certificate received after the first round of interviews, she has to be considered eligible for scrutiny as well.

6.2. *Budh Ram case (supra)* is on identical facts which has been allowed directing the respondents to recommend and appoint the petitioner therein as TGT Physical Education. The case pertained to the selection in question and the candidate therein had acquired HTET certificate subsequent to the date of interview. The Court held as under:

In such circumstances, it is apparent that even if the petitioner has acquired his HTET qualification subsequent to the advertisement, it was as per the terms of the advertisement. Counsel has also pointed out from Annexure P-16 that the process of interview is still being carried on and even a last opportunity was granted by the State on 21.08.2016 (Annexure P-16), which was in compliance of various orders passed by this Court for various posts, which had been advertised. TGT (Physical Education) is also one of the categories for which the candidates had been given last



opportunity for interview/viva voce on 30.08.2019, vide notice dated 21.08.2019 (Annexure P-16).

In such circumstances, this Court is of the opinion that the selection process was not completed and the matter was still open and the petitioner had already acquired his HTET qualification also most 1½ years earlier and by virtue of the interim order had appeared in the interview. It would, thus, be appropriate if he is granted the benefit by allowing the present writ petition.

Accordingly, the petitioner being eligible is entitled to be considered for appointment on the basis of her score in the written test as well as provisional interview.

6.3. *Satbir Singh* case (*supra*) has no application to the facts of this case. It concerned entitlement of candidates to claim exemption from clearing HTET, and the Court held that the candidates were entitled to exemption only in terms of statutory rules up to 01.04.2018, but not beyond that period. And as a passing reference it was observed that one of the candidates who had acquired HTET after the interview could not be considered eligible for the post. The Court was not seized of the issue of candidates' eligibility in the light of stipulations in the advertisement requiring them to fulfill the conditions, including that of obtaining HTET certificate, till the date of interview, and the continuation of selection process even after the interview by when the certificate had been obtained. Accordingly, the petitioner's right cannot be defeated on the basis of observations in *Satbir Singh* case.

7. It is apparent from the submissions by learned State counsel, which have not been contested, that after declaration of revised final result vide announcement dated 19.02.2020, the last recommended female candidate secured 77 marks, higher than the marks secured by the petitioner, 73. However,



in the revised waiting list dated 29.01.2025, issued by the Commission by including seven female candidates, the last/fifth candidate secured 69 marks. In this list, the last candidate who was offered the appointment, Renu Kumari, had secured 71 marks, but she did not join. The petitioner having secured higher marks, 73, would have a right to be placed at number 5 in that waiting list, above Renu Kumari, requiring the Commission to consider her for appointment on that basis. However, on account of interim order of stay passed in LPA-2725-2024, the respondents are not in a position to give appointments based upon the said waiting list. Accordingly, the petitioner’s candidature can also not be considered at this stage.

8. In this view of the matter, the petition is disposed of directing the respondents to consider the petitioner’s candidature by placing her appropriately in the waiting list, dated 29.01.2025, as per merit on the strength of her interview marks, after final decision of LPA-2725-2024 in case the list is sustained thereby. In that eventuality, she will be offered appointment subject to clearing the scrutiny and fulfilling the requisite conditions, within four weeks of receiving its certified copy. It goes without saying that the instant petition shall stand dismissed, without reference to this Court, if the LPA is allowed and/or the waiting list is rendered unsustainable.

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

(TRIBHUVAN DAHIYA)
JUDGE

07.07.2026
Payal

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