

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

Date of Decision : 11.9.2012.

CWP No. 15656 of 2010

Sanjeev Kumar and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 11695 of 2010

Kailash Chander and others

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 2613 of 2011

Tej Singh and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 7067 of 2010

Krishan Kumar and others

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 8154 of 2010

Dharampal and another

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

***For Subsequent orders see LPA-1555-2012, LPA-1557-2012, LPA-1562-2012 and 1 more.***

CWP No. 8659 of 2010

Mehar Singh

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 8728 of 2010

Vijay Singh

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 8785 of 2010

Surender Singh

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 8810 of 2010

Om Kumar

..... Petitioner(s)

Versus

Haryana Staff Selection Commission

..... Respondent(s)

CWP No. 9143 of 2010

Roshan Lal

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 9239 of 2010

Mohan Singh

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

***For Subsequent orders see LPA-1555-2012, LPA-1557-2012, LPA-1562-2012 and 1 more.***

CWP No. 9815 of 2010

Arun Kaushik

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 9820 of 2010

Arun Kaushik

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 9994 of 2010

Harvinder Singh and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 10069 of 2010

Ram Niwas and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 10106 of 2010

Rajvir Singh and another

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

***For Subsequent orders see LPA-1555-2012, LPA-1557-2012, LPA-1562-2012 and 1 more.***

CWP No. 10174 of 2010

Mahender Singh and another

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 10476 of 2010

Rajesh

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 10552 of 2010

Mahender Singh

..... Petitioner(s)

Versus

The State of Haryana and another

..... Respondent(s)

CWP No. 11473 of 2010

Bhumi Singh

..... Petitioner(s)

Versus

The State of Haryana and another

..... Respondent(s)

CWP No. 11678 of 2010

Sukhraj Singh

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 13561 of 2010

Anju

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

***For Subsequent orders see LPA-1555-2012, LPA-1557-2012, LPA-1562-2012 and 1 more.***

CWP No. 14534 of 2010

Dilbag Singh and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 17241 of 2010

Anita and others

..... Petitioner(s)

Versus

The State of Haryana and others

..... Respondent(s)

CWP No. 17823 of 2010

Suresh Kumar and another

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 18050 of 2010

Karambir

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 18263 of 2010

Nisha Chaudhary and another

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 18288 of 2010

Ramkala and another

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

***For Subsequent orders see LPA-1555-2012, LPA-1557-2012, LPA-1562-2012 and 1 more.***

CWP No. 19053 of 2010

Naresh and others

..... Petitioner(s)

Versus

The State of Haryana and others

..... Respondent(s)

CWP No. 19058 of 2010

Avtar Singh Gulia

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 20071 of 2010

Sunita

..... Petitioner(s)

Versus

The State of Haryana and others

..... Respondent(s)

CWP No. 20204 of 2010

Kiran Pal and others

..... Petitioner(s)

Versus

The State of Haryana and others

..... Respondent(s)

CWP No. 20485 of 2010

Dilawar Singh and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

**CWP No. 20711 of 2010**

Manju Lata

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

**CWP No. 21864 of 2010**

Raj Kumar

..... Petitioner(s)

Versus

Haryana Staff Selection Commission

..... Respondent(s)

**CWP No. 21910 of 2010**

Inderjeet and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

**CWP No. 21917 of 2010**

Om Parkash

..... Petitioner(s)

Versus

The State of Haryana and others

..... Respondent(s)

**CWP No. 22232 of 2010**

Jai Bhagwan and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 22937 of 2010

Kavita

..... Petitioner(s)

Versus

The State of Haryana and others

..... Respondent(s)

CWP No. 23432 of 2010

Mohit Kaushik and another

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 458 of 2011

Narinder Singh

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 1360 of 2011

Vidyawati and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 2068 of 2011

Ashok Kumar

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 5322 of 2011

Smt. Sunita

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 5678 of 2011

Aman Kumar

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 6308 of 2011

Satyavir Singh

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 7153 of 2011

Jagjit Singh

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 8507 of 2011

Krishan and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

***For Subsequent orders see LPA-1555-2012, LPA-1557-2012, LPA-1562-2012 and 1 more.***

CWP No. 8520 of 2011

Satya Bala

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 9381 of 2011

Raj Kumar and another

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 10261 of 2011

Rajnish Kumar

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 10283 of 2011

Rajeev Kumar and another

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 10484 of 2011

Devender Singh

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

***For Subsequent orders see LPA-1555-2012, LPA-1557-2012, LPA-1562-2012 and 1 more.***

CWP No. 12221 of 2011

Subhash Chand and another

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 13293 of 2011

Narender Singh and another

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 14342 of 2011

Suresh Kumar and another

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 15592 of 2011

Rakesh Kumar

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 15944 of 2011

Urmila and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No.16979 of 2011

Zile Singh

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 19312 of 2011

Vinod Kumar

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

CWP No. 19998 of 2011

Meena Kumari

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 21085 of 2011

Sudesh Devi and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 23688 of 2011

Savita Yadav and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 1295 of 2012

Subhash Devi

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 8086 of 2012

Sunita

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 8087 of 2012

Jagphool and another

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 8108 of 2012

Tejwinder Singh and another

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CWP No. 8335 of 2012

Sube Singh and another

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present:- Mr. Vivek Khatri, Advocate  
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Mr. Sandeep Singh, Advocate  
Mr. Rajneesh Chadwal, Advocate,  
Mr. S.P. Chahar, Advocate,  
Mr. S.S. Khurana, Advocate,  
Mr. Neeraj Kumar, Advocate,  
Mr. A.K. Bura, Advocate,  
Mr. Rajesh Sheoran, Advocate,  
Mr. Satish Garg, Advocate,  
Mr. Ramesh Goyal, Advocate,  
Mr. R.S. Tacoria, Advocate,  
Mr. R.K. Agnihotri, Advocate,  
Mr. Vikram Singh, Advocate,  
Mr. S.S. Dinarapur, Advocate,  
Mr. J.S. Hooda, Advocate,  
Mr. Ashwani Verma, Advocate,  
Mr. Dhiraj Chawla, Advocate,  
Mr. Shailender Singh, Advocate,  
Mr. Jagbir Malik, Advocate,  
Mr. V.D. Sharma, Advocate,  
Mr. R.M. Singh, Advocate,  
Mr. Naveen Daryal, Advocate,  
Mr. Sanjay Verma, Advocate,  
Mr. Ravi Gupta, Advocate,  
Mr. S.S. Duhan, Advocate,  
Mr. Madan Pal, Advocate,  
Mr. Sudhir Mittal, Advocate,  
Mr. Hari Om Attri, Advocate,  
Mr. Jagdish Manchanda, Advocate,  
Mr. B.K. Bagri, Advocate,  
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Mr. Dinesh Arora, Advocate,  
Mr. Harender Singh, Advocate,  
Mr. Sumeet Sheokhan, Advocate,  
for the petitioners

Mr. Harish Rathee, Senior DAG Haryana.

Mr. R.K. Malik, Senior Advocate, with,  
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Mr. Inderpal Singh Parmar, Advocate,  
Mr. Anshuman Dalal, Advocate,  
Mr. Amit Kumar, Advocate,  
Mr. C.P. Tiwana, Advocate,

***For Subsequent orders see LPA-1555-2012, LPA-1557-2012, LPA-1562-2012 and 1 more.***

Mr. Jitender Nara, Advocate,  
Mr. Kuldeep Singh, Advocate,  
Ms. Alka Chatrath, Advocate,  
Mr. Ashok K. Sharma (Bhana), Advocate,  
Mr. Jasbir Mor, Advocate,  
Mr. Ajit Attri, Advocate,  
Mr. Naveen Sharma, Advocate,  
Mr. Chander Shekhar, Advocate,  
Mr. Jagjeet Beniwal, Advocate,  
Mr. S.S. Kharb, Advocate,  
Mr. Manvender Rathi, Advocate,  
Mr. Naresh Kaushik, Advocate,  
Mr. Jarnail Singh Saneta, Advocate,  
Mr. Ajay Ghangas, Advocate,  
Mr. Ravi Verma, Advocate,  
Mr. S.N. Yadav, Advocate,  
Mr. Arvind Singh, Advocate,  
Mr. Kartar Singh Malik-I, Advocate,  
Mr. Kamal Mor, Advocate,  
Mr. Ravinder Hooda, Advocate,  
Mr. Vijay Dhaiya, Advocate,  
Mr. R.S. Malik, Advocate,  
Mr. Dilbag Singh, Advocate,  
Mr. Johan Kumar, Advocate,  
for the private respondents.

**AUGUSTINE GEORGE MASI, J.**

By this order, I propose to dispose of the Civil Writ Petitions No. 15656 of 2010, 11695 of 2010, 2613 of 2011, 7067 of 2010, 8154 of 2010, 8659 of 2010, 8728 of 2010, 8785 of 2010, 8810 of 2010, 9143 of 2010, 9239 of 2010, 9815 of 2010, 9820 of 2010, 9994 of 2010, 10069 of 2010, 10106 of 2010, 10174 of 2010, 10476 of 2010, 10552 of 2010, 11473 of 2010, 11678 of 2010, 13561 of 2010, 14534 of 2010, 17241 of 2010, 17823 of 2010, 18050 of 2010, 18263 of 2010, 18288 of 2010, 19053 of 2010, 19058 of 2010, 20071 of 2010, 20204 of 2010, 20485 of 2010, 20711 of 2010, 21864 of 2010, 21910 of 2010, 21917 of 2010, 22232 of 2010, 22937 of 2010, 23432 of 2010, 458 of 2011, 1360 of 2011, 2068 of 2011, 5322 of 2011, 5678 of 2011, 6308 of 2011, 7153 of 2011, 8507 of 2011, 8520 of 2011, 9381 of 2011, 10261 of 2011,

***For Subsequent orders see LPA-1555-2012, LPA-1557-2012, LPA-1562-2012 and 1 more.***

10283 of 2011, 10484 of 2011, 12221 of 2011, 13293 of 2011, 14342 of 2011, 15592 of 2011, 15944 of 2011, 16979 of 2011, 19312 of 2011, 19998 of 2011, 21085 of 2011, 23688 of 2011, 1295 of 2012, 8086 of 2012, 8087 of 2012, 8108 of 2012 and 8335 of 2012 wherein challenge is to the selection and appointment of Physical Training Instructors (in short 'PTIs') in pursuance to an advertisement dated 20.7.2006 for filling up 1983 posts belonging to various categories with a prayer to quash the selection list dated 10.4.2010.

Briefly the facts are that advertisement No. 6/2006 was published on 20.7.2006 by the Haryana Staff Selection Commission (in short 'Commission') for filling up various posts, category No. 23 whereof dealt with 1983 posts of PTIs. Break-up of the posts of different categories was as follows :

“General=940, SC-A=200, SC-B=200, BC-A=318, BC-B=216, ESM(Gen)=72 ESM (SC-A)=2, ESM(SC-B)=2, ESM(BC-A)=7, ESM(BC-B)=7, Outstanding Sportsperson (Gen)=10, Outstanding Sportsperson (SC-B)=2, Outstanding Sportsperson (BC-A)=3, Outstanding Sportsperson (BC-B)=2”

Educational qualifications prescribed for the post were :-

E.Q.:- i) Matric from Haryana School Education Board or an equivalent qualification recognized by the Haryana School Education Board.

ii) Certificate in Physical Education conducted by the Haryana Education Department or

an equivalent qualification recognized by the Haryana Education Department.

iii) Knowledge of Hindi up to Matric standard.

iv) For Ex-servicemen :-

(i) Middle Pass.

(ii) Training in physical education from a military School.”

The last date for submission of application form was 21.8.2006.

Under the heading ‘Special Instructions’ it was stated as follows :-

**“Special Instructions:**

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

In pursuance to the advertisement, petitioners being eligible applied for the post within time. Notice dated 28.12.2006 was published in various newspapers to the candidates by the Commission that the written examination shall be held for the post of PTIs on 21.1.2007. It was stated therein that this examination was to have 100 objective type multiple choice questions and each question was to carry two marks. Minimum qualifying marks in the written test were also prescribed for different categories which reads as follows :-

“(a) General Category	50%
(b) SC/BC	45%
(c) ESM	40%
(d) DESM and outstanding	As per general, SC,

sportspersons

BC candidates, as  
the case may be.”

25 Marks were assigned for the viva-voce.

It was further mentioned in the notice that candidates equal to three times the number of vacancies will be called for interview based upon their performance in the written test. The total marks obtained in the written test and viva-voce will determine the merit of the candidates in their respective categories. The written test was held on 21.1.2007, as per the schedule.

A public notice dated 1.2.2007 was issued by the Commission, which was published in newspapers also, wherein it was stated that the Commission, has received several complaints/reports with regard to malpractice and cheating committed in the written examination held on 21.1.2007 at various examination centres, which prompted the Commission to cancel the aforesaid written examination.

Notice dated 11.6.2008 was published by the Commission fixing the date of written examination as 20.7.2008 for the post of PTIs. The criteria for minimum qualifying marks in the written test and 25 marks for viva-voce alongwith other conditions as were earlier published on 28.12.2006 were maintained as such. This written test, which was scheduled for 20.7.2008, was cancelled by the Commission, vide public notice dated 30.6.2008 for administrative reasons.

Another public notice dated 12.7.2008 was published in various newspapers by the Commission according to which, Commission decided to shortlist eight times the candidates of the advertised posts in their respective

category for interview on the basis of essential academic advertised qualifications prescribed for the post of PTI. The minimum weightage score in each category was also mentioned therein, which reads as follows :-

<b><u>Sr. No.</u></b>	<b><u>Category</u></b>	<b><u>%age</u></b>	<b><u>Sr. No.</u></b>	<b><u>Category</u></b>	<b><u>%age</u></b>
1.	General	= 66%	7.	ESM-BCA	= 46%
2.	SC	= 34%	8.	ESM-BCB	= 50%
3.	BC-A	= 33%	9.	OSP-GEN	= 66%
4.	BC-B	= 33%	10.	OSP-SC	= 53%
5.	ESM-GEN	= 50%	11.	OSP-BCA	= 66%
6.	ESM-SC	= 50%	12.	OSP-BCB	= 66%

All shortlisted candidates were to be interviewed during the months of September and October, 2008. On 18.7.2008, interview schedule for the candidates was published by the Commission according to which, interviews to the post of PTIs were to be held between 2.9.2008 to 17.10.2008 at various places as specified therein.

On 31.7.2008, another notice to the candidates for interview to the post of PTIs was published according to which, on careful re-consideration of the matter, the Commission decided to call all eligible candidates, i.e. who fulfilled the minimum essential qualifications advertised, for interview to the post of PTI as per the schedule published during the months of September and October, 2008 abandoning the earlier decision of the Commission which was published on 12.7.2008 fixing minimum weightage score for each category and shortlisting eight times the candidates of the advertised posts.

The result ultimately was declared after a gap of one year and six months on 10.4.2010, published on 11.4.2010, which has been impugned by the petitioners in the present writ petition. The criteria adopted by the

Commission for making selection was also made public alongwith the result, which reads as follows :-

**“Criteria adopted for selection :-**

The criteria adopted by the Commission for making selection is given below :-

- |                                           |          |
|-------------------------------------------|----------|
| 1) Academic marks                         | 60 marks |
| 2) Marks obtained in the viva-voce out of | 30 marks |
| Total : 90 marks.”                        |          |

The basic ground taken for challenging the selection is that once the criteria has been laid down by the Commission and has been published on 28.12.2006, the same was required to be followed strictly while making the selection and it was not proper to change the same. As per the earlier criteria published, marks for viva-voce were only 25 which have been in the ultimate selection taken as 30 marks which according to the petitioners is in violation of the law declared in the judgment of the Hon’ble Supreme Court in the case of Rakhi Ray and others Versus The High Court of Delhi and others, 2010 (1) SCT 720. It has been contended that once selection process starts, it is not permissible for the Commission to change the selection criteria midway. Initially, Commission had published the criteria according to which earlier there were only 25 marks for the viva-voce. Thereafter, nothing has been published or brought to the notice of the candidates that the criteria for selection has been changed nor has it been brought to the notice of the candidates that the viva-voce marks would be 30 instead of 25 as published earlier. Petitioners assert that this whole exercise has been done with a malafide intention to help some of the favourties who have been awarded very

high marks in the interview so that they can be selected and the viva-voce marks have been increased from 25 to 30 marks with this intention only.

In CWP No. 15656 of 2010 titled as Sanjeev Kumar and others Versus State of Haryana and others, petitioners on the basis of the information supplied under the Right to Information Act, 2005 (in short 'RTI'), have found 14 candidates in the select list who have been awarded more than 25 marks in the viva-voce though they had very less marks in the educational qualifications. Had they been granted 25 or less marks in the interview, they could not have been selected. The details of such candidates have been mentioned in paras 19 to 32 of the writ petition. As regards, respondent No. 143 Ms. Sonia Pawar having roll number 006062, it has been mentioned that she has failed in the certificate course in Physical Education Examination 1998-99 as she had obtained 85 marks out of 400 marks i.e. 21% (Annexure-P-39).

Another ground which has been taken by the petitioners is that most of the respondents are not eligible for appointment to the posts of PTIs as they do not possess the requisite qualification of CP.Ed./MP.Ed/BP.Ed., which is the eligibility prescribed as per the advertisement for the post of PTI.

Respondents No. 8 to 13 in CWP No. 2613 of 2011 titled as Taj Singh and others Versus State of Haryana and others, possess qualification of MP.Ed. and have been selected. Information was sought by the petitioners under the Right to Information Act (in short 'RTI Act') from the Kurukshetra University, Kurukshetra as to whether MP.Ed. can be treated as equivalent to CP.Ed. and B.Sc. (Sports) is equivalent to CP.Ed. ? It has been informed that B.Sc. (Sports) and MP.Ed. is not equivalent to CP.Ed., DP.Ed. and BP.Ed.

Since they do not possess the requisite qualification, their selection cannot sustain. It has further been asserted that respondents No. 3 to 7 were overage at the time of filing of the application forms as they were above 40 years of age. The details of their date of birth and their age have been mentioned in para-11 of the writ petition. As regards, respondents No. 63 to 258, it has been asserted that these respondents have failed in their certificate/diploma of physical education course in one or two papers and they have been declared 'failed' in these papers and therefore, they cannot be appointed to the said post as they have not passed the examination. Similarly, it is asserted that these respondents have obtained their BP.Ed. (3 years) course from Nagpur University, Nagpur, Amrawati University and Barkatullah Vishwavidyalya, Bhopal. None of these courses is equivalent to CP.Ed., thus petitioners assert on the basis of information sought by them under the RTI Act and supplied by the Kurukshetra University, Kuurukshetra, vide reply dated 18.1.2011, since these respondents do not possess degrees and qualifications which are equivalent to CP.Ed., they cannot be treated as eligible for appointment and their selection deserve to be quashed.

In para-21 of the writ petition, it has been asserted by the petitioners that respondents No. 92 and 93 have been selected under the category of dependents of ex-servicemen, but their selection cannot sustain as they both are married at the time of submission of their application forms and their selection is violative of the policy dated 11.10.2001, framed by the Secretary, Rajya Sainik Board, Haryana .

In CWP No. 11695 of 2010 titled as Kailash Chander and others Versus State of Haryana and another, it has been asserted that the selection of

the private respondents cannot be sustained as the percentage on reservation exceeds beyond 50% which is contrary to the law laid down by the Hon'ble Supreme Court in the case of Indra Sawhney and others Versus Union of India, AIR 1994 SC 477 and is contrary to the Haryana Government Instructions dated 7.6.2007 as out of the total 1983 posts, only 940 are kept for the general category and the remaining 1043 posts are for the reserved categories. Challenge is also posed to the clause in the advertisement with regard to reservation of 50% to Rural Youths having done matriculation from a school situated in rural areas of Haryana, which has been quashed by a Division Bench of this Court in Mahender Kumar and others Versus State of Haryana and others, 2008(2) SCT 536. On this basis, it is asserted that the selection made by the Haryana Staff Selection Commission being contrary to law, cannot sustain and deserves to be quashed.

Reply to the writ petition has been filed by the Commission wherein the action of the respondents has been justified. As regards the selection of the candidates who possess MP.Ed. and their eligibility, reliance has been placed upon the Division Bench of this Court in the case of Charan Singh Versus State of Haryana, 2004 (3) RSJ 611, wherein it has been held that DP.Ed./BP.Ed./MP.Ed. are in the line of the qualification of CP.Ed. Therefore, a candidate who has obtained any of the aforesaid qualifications, will be deemed to have studied the subject which form part of the course of CP.Ed. and therefore, they are eligible for appointment to the post of PTI. In the light of this judgment, the Commission has made selection of the candidates of aforesaid qualifications of BP.Ed./DP.Ed./MP.Ed.

Objection has been raised by the respondents to the maintainability of the present writ petition, placing reliance upon the judgment of the Hon'ble Supreme Court in the case of Chandra Prakash Tiwari and others Versus Shakuntala Shukla, 2002 (3) RSJ 507 and the judgment of this Court in the case of Devki Nandan Sharma Versus State of Haryana and others, 2002(1) RSJ 64, according to which, if a candidate appears in the interview and participates therein, then only because the result of the interview is not palatable to him, he cannot turn round and subsequently contend that the process of interview was unfair or there was some lacuna in the process. Having participated and having taken a chance by participating in the selection and having failed, no valid cause of action subsists to the petitioners for challenging the selection criteria.

Placing reliance upon the decision of the Government of Haryana dated 2.11.1999 , it has been contended that all examination bodies which have been recognized by the Association of Indian Universities and University Grants Commission (in short 'UGC'), New Delhi, stand recognized by the State of Haryana. The Teachers' Training Courses recognized by the National Council for Teacher Education, New Delhi, have also been held to be recognized in the State of Haryana. Since the selected candidates possess qualification from the Universities which are duly recognized by the UGC, the degrees/diplomas possessed by the selected candidates from these universities are duly recognized by the State of Haryana.

As regards the eligibility of the selected candidates, who are asserted to have failed, it has been stated by the Commission that while recommending the names to the Education Department, it has been made clear

that the antecedents and documents be got checked thoroughly before allowing them to join duty. The education department was to look into the eligibility conditions of the selected respondents and thereafter appoint them.

Private respondents in their reply have placed reliance upon Ordinance 7-A of the Nagpur University to contend that one percent of the aggregate grace marks prescribed for an examination can be granted to candidate for declaring him pass according to which when the marks are assigned to the respondents, who are deficient by five or less marks in a subject, they become eligible and therefore, declared pass in the examination. Thus, it is contended that the assertion of the petitioners that respondents have failed and cannot be treated as passed in their examination, is without any basis.

Some of the private respondents who have filed their replies apart from taking the same stand as the Commission, have asserted that the selection criteria, is fair and reasonable, as 60 marks have been fixed for academic qualifications and only 30 marks have been fixed for the interview which distribution of marks on this basis has been upheld by this Court. Reliance has also been placed upon the Full Bench judgment of this Court in the case of Manjit Singh Versus State of Punjab and others, 2010 (4) RSJ 86 to assert that candidates who are possessing diploma in B.P.Ed. or in D.P.Ed., a higher qualification in the same line, cannot be considered ineligible for appointment.

Controverting the assertions of the petitioners that the qualification of DP.Ed., MP.Ed. and B.Sc. (Sports) is not recognized as asserted by the petitioners, it has been contended that the information which

has been sought by the petitioners of the writ petition was whether it was equivalent to CP.Ed. and it is in this response that Kurukshetra University has responded by saying that it is not so and information supplied is correct as DP.Ed., MP.Ed., and B.Sc. (Sports) is a higher qualification than CP.Ed. and therefore, cannot be equated with the said post. The degrees and diplomas held by the selected candidates have been issued by the recognized universities by the Government of India and the UGC and therefore, the qualification possessed by the petitioners is duly recognized by the State of Haryana as per the decision of the Government of Haryana.

As regards the overage candidates, it has been asserted that a decision has been taken by the Government of Haryana and Instructions dated 12.2.1982 were issued, according to which if an applicant gets registered his name with the employment exchange within the age prescribed as per the Rules and gets overage before getting regular employment, in that case the applicant would be considered within age upto the time he is regularly appointed. Thus, age relaxation has to be given accordingly.

It has been asserted further that the selection criteria is the discretion of the Commission in the absence of the statutory Rules/Instructions laying down the same. Depending upon the facts and circumstances of the case, Commission is competent to lay down its own criteria and to amend, modify and regulate the criteria and move forward to make the selection finally on that basis. The Selection Committee after the criteria is framed, has to apply the same uniformly to all the candidates which has been done in the present case. It has been asserted that earlier 25 marks which were assigned for the viva-voce was based upon the fact that a decision

had been taken by the Commission to hold a written test to be followed by a viva-voce and the merit was to be determined on the basis of the written test and the viva-voce. After the cancellation of the written test, a decision was taken by the Commission not to hold the same. It was decided to grant marks for the academic qualifications and the viva-voce. New criteria was thus evolved and laid down by the Commission according to which, sixty marks were assigned to the academic qualifications and thirty marks for viva-voce which totaled up to 90 marks. This criteria has been followed by the respondents uniformly qua all the candidates and on this score, there is no discrimination on the part of the respondents.

As regards the assertion of the petitioners that the reservation has exceeded 50%, it has been asserted that it has been made on lateral/horizontal basis.

I have heard counsel for the parties and with their assistance have gone through the records of the case.

During the course of hearing, counsel for the petitioners had alleged malafides and also raised questions on the working of the Commission, this Court had called for the records of the Commission. The produced records had been retained by this Court when the judgment was reserved.

The basic contention which has been raised by the petitioners and their counsel is that once a criteria has been published by the Commission, the same could not have been changed during the selection process after the commencement of the same. There can be no dispute and it is by now well settled that Commission/Selection Committee in the absence of statutory

rules/instructions is entitled to lay down the criteria for selection. But once the said criteria has been laid down and the selection process had been initiated, selection criteria cannot be changed in the midst of the selection process or after the selection process has come to an end.

There can be no dispute that in the advertisement published, special instructions were inserted according to which, merely because a candidate possesses the essential qualification, would not entitle him/her to be called for interview. Commission may resort to shortlisting of the candidates for interview by holding a written examination or on the basis of rationale criteria to be adopted by it. Admittedly the statutory Rules are silent on this aspect. On this basis and as settled by judicial precedents, there can be no doubt that the Commission was entitled to and empowered to lay down the selection criteria.

In exercise of this power, Commission decided to shortlist the candidates by holding a written examination to be held on 21.12.2007, as per the notice date 28.12.2006 published in the newspapers. In this very notice, the process of shortlisting and selection was also laid down, according to which, there were to be 100 objective type multiple choice questions with each question carrying two marks, meaning thereby that the total marks assigned for the written examination were 200. It was also mentioned that these 100 questions would contain 60 questions relating to academic knowledge including skill and method of teaching ability for which a candidate is appearing in the written examination and 40 questions relating to general knowledge, general English and Hindi upto matric standard. Different minimum qualifying marks in the written examination were fixed for the

different categories. 25 marks were fixed for the viva-voce. Candidates equal to three times the number of vacancies were to be called for interview based upon their performance in the written examination. The total marks obtained in the written examination and viva-voce was to determine the merit of the candidates in their respective categories.

As per the decision of the Commission, written test was held on 21.1.2007 on schedule, but vide public notice dated 1.2.2007 published in various newspapers, it was informed that the Commission had received several complaints/reports with regard to malpractice and cheating committed in the written examination held on 21.1.2007 at various examination centres at Kaithal and Jind and therefore, the Commission has decided to cancel the written examination. The next date of examination was to be notified later on. Fresh date was fixed by the Commission for holding the written examination on 20.7.2008 and notice to this effect was published on 11.6.2008 and in this notice also, the criteria which was earlier laid down, was reiterated and there was no change made in the same. As a matter of fact, except for the change of dates, rest of the examination notice was verbatim the same. This written examination was cancelled by the Commission for administrative reasons and a notice to this effect was published on 30.6.2008.

After that, a decision was taken by the Commission for shortlisting the candidates for interview on the basis of essential academic advertised qualification prescribed for the post. The minimum weightage score for each category was published therein on 11.7.2008. In this notice, it was also mentioned that the Commission has decided to shortlist the candidates eight times of the advertised posts in the respective categories and

all shortlisted candidates with the minimum weightage score or higher score were to be interviewed during the months of September and October, 2008 at various places, such as Panchkula, Rewari, Yamuna Nagar, Karnal and Gurgaon. On 18.7.2008, the interview schedule was published. Thereafter, a decision was taken by the Commission on 31.7.2008 and a notice to this effect was also issued and published in the newspapers, according to which, the Commission had re-considered the matter and had decided to call all eligible candidates who fulfilled the minimum essential qualification advertised to appear in the interview for the posts of PTIs during the months of September and October, 2008 as per earlier published schedule and dates. Interviews were held as per the dates decided by the Commission.

It would not be out of way to mention here that after the publication of the criteria qua selection, firstly on 28.12.2006 and thereafter its reiteration on 11.6.2008 when the written examination was rescheduled to be held on 20.7.2008 but was cancelled till the process of interview was completed and the result was declared, no change in the criteria or fresh criteria was ever published/notified by the Commission nor any intimation to this effect given/sent to the candidates in any manner. The result was declared on 10.4.2010, after a gap of one year and six months, wherein the criteria adopted for selection for the first time was notified showing that the viva-voce marks increased from 25 to 30 marks. In the case of Maharashtra State Road Transport Corporation Versus Rajendera Bhimrao Mandve, 2001 (10) SCC 51, the Hon'ble Supreme Court observed that the criteria for selection cannot be altered with by the authorities concerned in the middle or after the process of selection has commenced. Relying on this ratio, the Hon'ble Supreme

Court in K. Manjusree Versus State of A.P. and another, 2008 (3) SLR 269 has held that introduction of new revelation of minimum marks for interview which has the effect of marring and eliminating the career of candidates who would otherwise be eligible and suitable for selection after the entire selection process has concluded is impermissible. In Hemani Malhotra Versus High Court of Delhi, 2008 (4) SLR 699, it was also held by the Hon'ble Supreme Court that before the commencement of the selection process, the selection authority concerned can lay down the criteria but cannot change or add additional qualification either during the selection process or after the selection process was over. This principle was reiterated by the Hon'ble Supreme Court in the case of Rakhi Ray's case (supra), relying upon the earlier judgments of the Hon'ble Supreme Court.

In the present case, while applying the above principle, as has been laid down by the Hon'ble Supreme Court, the first thing which need to be determined is as to when the selection process starts. For that various steps in the process of appointment to a post needs to be referred to and determined. Generally, the first step would be the decision of the appointing authority on identification of the post(s) to be filled up. Thereafter, number of posts to be filled up and from which source/category. The requisition is thereafter sent to the selection authority for filling up of the posts as per the statutory rules/instructions of the Government. Thereafter, the selection authority comes into picture and takes over. An advertisement/notice inviting applications from eligible candidates for filling up of the posts is published, giving details therein of the minimum and requisite qualifications and the mode of selection. It is at this stage also, the selecting authority can publish

the criteria which it intends to follow for making selections or it may reserve that right to itself for a later stage by mentioning the same in the advertisement itself (as in the present case). After receipt of application, decision has to be taken by the selection authority how to proceed with the selection and it is at this stage, it has to decide whether the process of shortlisting of the candidates is to be resorted to or not, depending upon the applications received by it. Thereafter, the mode of shortlisting of the candidates is decided, if so required and for doing so, it is required to be published or displayed or intimation sent for the information of the candidates. It is at this stage that the selection process starts. Here again, the power is still with the selection authority to adopt a criteria for selection after the process of shortlisting is over for proceeding to select the candidates amongst the shortlisted candidates provided the criteria had not been earlier published. However, if at this stage, a criteria is laid down for making the selection, the same has to be published. The criteria once published cannot be changed, unless justifiable reasons for changing the same is forthcoming, but that too before the process of selection has not been initiated by taking positive steps in that direction as per the earlier laid down criteria.

In this case, Commission, vide its notice dated 28.12.2006, while fixing the date for written examination as 21.1.2007, published the criteria to make selection, according to which, written examination which carried 200 marks, was to be held wherein minimum qualifying marks were prescribed for different categories. Whoever attained the minimum qualifying marks in the written examination had to further come within the candidates equal to three times the number of vacancies for being called for interview. 25 marks were

assigned for the viva-voce. The total marks obtained in the written examination and viva-voce would determine the merit of the candidates in their respective categories. The written examination was indeed held on 21.1.2007 as per the schedule, however, the same was cancelled as Commission received several complaints/reports with regard to malpractice and cheating committed in the written examination at various examination centres, such as Kaithal and Jind. Fresh notice for written examination was issued on 11.6.2008 where again the criteria earlier laid down was retained and republished. This written examination which was scheduled for 20.7.2008 before it could be held, was cancelled by the Commission, vide public notice dated 30.6.2008 for administrative reasons. Thereafter, public notice dated 12.7.2008 was issued, where the criteria has been changed for shortlisting and the minimum weightage score in each category mentioned in the said notice was resorted to and it was decided that eight times the number of candidates of the advertised posts in their respective categories be called for interview. No criteria was published therein for the selection. Thereafter, another public notice was issued on 31.7.2008, wherein it was decided that all eligible candidates be called for interview. Here again, no criteria for selection was laid down or published. The result ultimately was declared and it is at this stage, the criteria adopted by the Commission for selection was published, according to which, 60 marks were assigned for academic qualification and 30 marks for viva-voce, totaling 90 marks. No reason whatsoever has been given by the Commission in the written statement which has been filed in Court as to why the mode of shortlisting and the criteria for selection which was earlier decided and published changed. In the light of the

judgments, referred to above, of the Hon'ble Supreme Court, once the selection process had started, the criteria could not be changed during the selection.

In the present case, not only with the issuance of notice dated 28.12.2006, selection process had been initiated but the criteria laid down therein had also been acted upon when the written examination was held on 21.1.2007. There are justifiable reasons for cancelling the same as well as the subsequent date which was fixed for the written examination, but there are no reasons forthcoming which would justify the change of the selection process by cancelling the written examination and resorting to the shortlisting on the basis of essential academic advertised qualifications prescribed for the post by giving minimum weightage score in each category. As a matter of fact, the records which have been produced, do not indicate that a decision was taken by the Commission to change the process of selection. No reason has been mentioned therein as to why the procedure for shortlisting was changed during the selection process or procedure. Earlier a decision was taken on 11.7.2008 to shortlist the candidates on the basis of the minimum academic qualifications prescribed for each category, but thereafter all eligible candidates were called for interview and the reason assigned for taking such a decision is that the candidates, who could not be shortlisted, resorted to agitation in the house of the Chief Minister, Haryana, which weighed in the mind of the Chairman of the Commission to call all the eligible candidates for interview, which again is not justified. As a matter of fact, from the decision to advertise the posts till the declaration of result and making recommendations to the appointing authority of the selected candidates, not a

single decision has been taken by the Commission. All decisions are taken by the Chairman of the Commission alone.

An objection has been raised by the Commission and the private respondents that the petitioners having participated in the selection and having failed and the result being not palatable to them are estopped from challenging the process of selection resorted to by the Commission on the ground that it was unfair or there was some thing lacking in the process, cannot be accepted for the reason that the petitioners had participated in the selection process, believing that the interview marks would be 25 and not 30. Petitioners have alleged that this criteria has been changed with a malafide intention to accommodate and select candidates of their choice and high marks have been given to those candidates for selecting them in the interview and had the interview marks not been increased, some of the respondents, whose details have been mentioned in paras 19 to 32 of the writ petition in CWP No. 15656 of 2010, could not have been selected if they were granted 25 or less than 25 marks in the interview. Therefore, on the principle, as has been laid down by the Hon'ble Supreme Court in the light of change in criteria of selection once the process has started, cannot sustain and deserves to be set aside.

Another stunning revelation which has come to light on perusal of the records produced in Court and retained is that, although apart from the Chairman, there are eight Members of the Commission, but at no stage, has Commission assembled or met to take any decision in or during the process of selection. In all the notings and the records which have been produced, all the decisions pertaining to the selection process have been taken by the Chairman of the Commission alone. Initially, the decision has been taken by the

Chairman of the Commission on 28.12.2006 for holding the written examination on 21.1.2007. The draft notice for the written examination was approved by him, which was published. It is in this notice that the criteria was laid down for the selection, as has been referred to above in the earlier part of the judgment. This criteria was required to be laid down by the Commission. Decision for cancellation of the written examination held, which was published on 1.2.2007, is not available on the records nor is there any mention thereof in the notings. Thereafter, a decision was taken by the Chairman of the Commission on 10.6.2008, fixing the written examination to be held on 20.7.2008 alongwith the notice to be published where again the earlier criteria laid down was reiterated. This decision was published on 11.6.2008. The communication was sent to the concerned officials for maintaining law and order at the examination centres on 27.6.2008 and on 30.6.2008 again, the Chairman of the Commission ordered that the written examination be cancelled on administrative reasons and to withhold the roll numbers for the written examination. These decisions again all through were that of the Chairman alone without intimation to or involvement of any other Member of the Commission. Thereafter, a decision was taken on 11.7.2008, again by the Chairman of the Commission, for shortlisting the candidates for the interview. In pursuance to this decision, notice was published in the newspapers. There was some mistake in the notice published and therefore, a fresh notice to be published in the newspapers was approved by the Chairman of the Commission on 18.7.2008. Here again, the minimum weightage score for each category was published and the shortlisting was to be done for interview on the basis of essential academic advertised qualification

prescribed for the post. On 31.7.2008, a decision was taken by the Chairman of the Commission to call all the candidates, who were eligible for interview. This decision was also taken individually by the Chairman of the Commission. Thereafter, the notings indicate the decision by the Chairman, forming the committees to interview the candidates and the dates and places alongwith the roll numbers of the candidates, who were to be interviewed by the committees. Nowhere in the records it is reflected that any criteria has been laid down by the Commission for making selection of the candidates. A loose sheet has been produced in Court which is purported to be the decision of the Commission, laying down the criteria for making selection to the posts of PTIs, according to which the date of the decision of the Commission was 3.8.2008. A perusal of the same would show that it does not bear any tag mark nor does it indicate that it was either placed in an official file as it does not contain any hole showing any tag having been inserted through it. Apart from loose sheet, no agenda has been produced, which would indicate that a meeting had indeed taken place of the Commission. It appears that when this Court directed the production of the criteria for selection for the post of PTI, this criteria was prepared and produced in Court as this is the sole and isolated decision of the Commission, rather an unique one too.

A copy of the compendium of notifications pertaining to the Haryana Staff Selection Commission has been produced alongwith the records. The first notification which is issued by the General Administration Department, General Services Haryana is dated 28.1.1970, according to which, the Governor of Haryana, in exercise of the powers conferred by Article 309 of the Constitution of India and in modification of all other Rules

int his behalf, constituted the Subordinate Services Selection Board from the date of publication of the notification. The constitution of the Board, the terms and conditions of service of the Members thereof and its functions were laid down therein. As per para-1, the Board consist of three Members including the Chairman. Para-6 provided the functions of the Board, according to which, all appointments to non-gazetted Class-III posts under the Haryana Government, except appointments of officers and employees of Punjab and Haryana High Court provided for in Article 229 of the Constitution of India were mandated to be made on the advice of the Board. State Government was competent to exclude any such posts from the purview of the Board. The functions of the Board were enlarged, vide notification dated 21.5.1971, vide which para-6 of the notification dated 28.1.1970 was substituted by adding sub-paras (b) and (c) wherein promotions and transfers from one service or post to another service or post pertaining to non-gazetted Class-III and Class-IV posts and disciplinary matters pertaining to non-gazetted Class-III and Class-IV Government employees were included. Off and on notifications have been issued by the General Administration Department Haryana enlarging and curtailing the functions of the Board. Vide notification dated 9.12.1997, the words 'Subordinate Services Selection Board' were substituted by 'Haryana Staff Selection Commission'. Vide notification dated 28.7.1998, sub-para (d) of para-6 was substituted, according to which, the Commission was empowered to devise the mode of selection and fix the criteria for selection of post for which requisition is sent to it by a Department or an office, as it may deem appropriate and the criteria for selection of posts fixed earlier by the Board/Commission shall be deemed to have been fixed

under this sub-paragraph. Vide notification dated 21.6.2007, paragraph-1 was substituted with effect from 20.4.2007, according to which, the Commission shall consist of nine Members including the Chairman, out of whom a minimum of two Members would be such as have held office for at least ten years either under the Government of India or under the Government of the State. In this notification sub-para 4 reads as follows :-

“(iv) in paragraph 6, for clause (d), the following clause shall be substituted and shall be deemed to have been substituted with effect from 10<sup>th</sup> January, 2006, namely :-

“(d) methods of recruitment and the principles to be followed in making appointments to the Group B, Group C and Group D posts under the State Government. The Commission shall devise the mode of selection and fix the criteria for selection of posts for which requisition is sent to it by a department or an office, as it may deem appropriate and the criteria for the selection of posts fixed earlier by the Board/Commission shall be deemed to have been fixed under this clause.”

It is apparent from the above that the Commission is a multi Member body which has been constituted under Article 309 of the Constitution of India by issuance of a notification by the Government of Haryana. It consists of nine Members and has to be mandatorily consulted at the initial appointments to Group 'B' Gazetted or non-gazetted Group 'C' posts under the State Government, as also for promotions and transfer from one service or post to another service or post pertaining to Group 'C' and Group 'D'

posts and disciplinary matters pertaining to Group 'C' and Group 'D' Government employees. The Commission which is a statutory authority with functions conferred on it as notified, has to perform as per the said mandate and cannot act in an arbitrary manner. It has an onerous responsibility to perform and therefore it has to function as a Body which consists of Chairman and eight Members. Day-to-day functions can be taken care of by the Chairman, if so delegated or conferred, but all major decisions pertaining to the selection has to be taken by the Commission. No instructions/rules have been produced or brought to the notice of the Court by the Commission which would show the regulation of the functions of the Commission nor has any decision or resolution of the Commission been produced or brought to the notice of the Court which would suggest delegating some or any of its functions upon the Chairman or any Member of the Commission.

On a question put by this Court to the counsel for State, who on instructions, stated that there is no proceeding book or file being maintained nor is it available where the record is maintained of the meeting(s) held by the Commission or the decision(s) taken by the Commission and there is no agenda circulated for the meeting. This indicates that the Commission is non-functional. Rather the records indicate that the Chairman is all in all and solely functions as a Commission. Strange as it may sound but this decision dated 3.8.2008 is the only decision by the Commission in the total selection process. In none of the earlier decisions, which have been taken in the chequered process of selection, any of the Members of the Commission been consulted, associated or a party thereto. It has not been stated in the reply nor do records indicate that any of the decisions taken by the Chairman was/were

ratified by the Commission. What is apparent from the record and as stated in Court by the counsel for the State on instructions, as recorded above, Commission is nothing but one man show. There is no semblance of a collective responsibility or decision making process as is postulated in the notifications under which the Commission is constituted. The very concept and spirit of the Commission stands butchered and banished due to there being no consultation, association and participation by any of the Members of the Commission in the present selection process for filling up the posts of PTIs. The decisions in pursuance, whereto selection process has been initiated, processed and concluded, cannot be said to be that of the Commission. Members of the Commission, except for being Members of the Selection Committee for holding interviews, have not participated in any decision or its making process which reveals a very gloomy rather a negative picture of the Commission and its functioning. The records reveal and point to only one conclusion that the selection in question does not pass the test of it being in accordance with law as the powers conferred on the Commission has not been exercised as per the mandate of the statute and therefore the decisions taken in and during the selection process cannot be said to be that of the Commission rendering the selection illegal.

In the light of the above, which has led this Court to conclude that the selection cannot be sustained, the other grounds taken and the pleas raised by the parties need not be gone into by this Court as they have been rendered academic for deciding the lis in this case.

These writ petitions are thus allowed. The purported selection made by the Haryana Staff Selection Commission in pursuance to the

advertisement No. 6/2006, result whereof was published on 11.4.2010 relating to category No. 23 for the posts of PTIs, is hereby quashed. A direction is issued to the Haryana Staff Selection Commission to hold a fresh selection, in accordance with law, within a period of five months from the date of receipt of certified copy of this order.

Photocopies of the original noting files produced in Court as also the purported criteria laid down by the Commission dated 3.8.2008 have been got prepared, kept in a sealed cover and placed on the records of CWP No. 15656 of 2010 to be opened only on Court orders. Produced original records be handed over to Mr. Harish Rathee, learned Senior Deputy Advocate General, Haryana.

**(AUGUSTINE GEORGE MASIH)  
JUDGE**

11.9.2012  
sjks

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