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

CWP-978-2025

Date of Decision: 16.01.2025

POOJA

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Krishan K. Chahal, Addl. A.G., Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to consider the petitioner eligible as she possess higher qualification in the same line for the post of TGT English as has been asked in the advertisement 2/2023.

2. Learned counsel for the petitioner contends that the petitioner has been wrongly considered ineligible for the post for failing to secure more than fifty per cent marks in English in Graduation. This is in violation of law, since the petitioner has a higher qualification of M.A. English, which makes her eligible for the post in question. The Government has issued



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instructions, dated 16.06.1979 and 25.03.2016, Annexures P-11 and P-12, respectively, laying down that the candidates possessing higher qualification than the one laid down as minimum for a post, have to be considered eligible. He has further relied upon law laid down by this Court vide judgment dated 03.12.2024 rendered in CWP-19142-2023 titled *Ritu v. State of Haryana and Others*, holding that in case a candidate possesses higher qualification in any of the subjects he had in Graduation, it is to be considered higher qualification in the line of prescribed minimum qualification. Learned counsel for the petitioner further contends that grievance raised herein is pending for appropriate decision before respondents. At this stage, the petitioner will be satisfied in case the second respondent is directed to decide her legal notice, dated 28.12.2024, Annexure P-15, in a specified period, in view of Government's instructions, dated 25.03.2016, and the above-mentioned case law.

3. In this situation, learned State counsel, appearing on advance notice, contends that the petitioner's legal notice dated 28.12.2024, Annexure P-15, shall be considered, and decided in view of law laid down by this Court in *Ritu* case, as well as Government's instructions, dated 25.03.2016, by the second respondent/Secretary, Haryana Staff Selection Commission, by passing a speaking order in accordance with law within a period of eight weeks.

4. In view of the statement made, learned counsel for the petitioner has no objection to the petition being disposed of in terms thereof.

5. Ordered accordingly.

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6. In case the order is not passed within the stipulated period, the officer concerned shall pay costs of ₹50,000 to the petitioner.

16.01.2025

Seema

**(TRIBHUVAN DAHIYA)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*