



CWP-17338-2015

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

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CWP-17338-2015 (O & M)

Date of decision: 14.01.2025

Sapna Kataria

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kapil Kakkar, Advocate,
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for directing the respondents to consider the case of the petitioner for the post of Lecturer (English).

2. Pursuant to the advertisement dated 23.09.2009 (Annexure P-1), the petitioner had applied for appointment to the post of Lecturer, holding M.A. (English) and B.Ed. qualifications, supported by DMCs dated 16.06.2001 (Annexure P-2) and 04.07.2002 (Annexure P-3), and an experience certificate from Siksha Sadan, Zira, dated 02.08.2006 (Annexure P-4), stating her to have been in service as an English Teacher since 15.07.2002 vouching for her conduct and work to have been satisfactory. Accordingly, her name appeared in the provisional merit list (Annexure P-7) at Sr. No. 36 with 62.2667 marks, awarding marks for experience but 5 marks were deducted in the final merit list (Annexure



P-10), reducing her score to 57.2667 marks, Those of the last selected candidate being respondent No. 3, being 60.75 marks.

3. The sheet anchor of the decision to reduce her marks in the final merit list, thereby denying her the advantage of the experience certificate, is ensconced in the consideration of her M.A. degree from 2006, the year she appeared for the improvement exam, rather than 2001, when she initially passed the M.A. examination, as also the fact that she had herself in an online data and a scrutiny form submitted, mentioned M.A. to be of 2006, the year in which she had improved her marks in MA Part-I as well.

4. The doctrine of relation back in the result of improvement to the basic examination, which in essence, was the principal impetus behind issuance of notice of motion on 20.08.2015, a view fortified by the judgement in **Preeti Gulia v. State of Haryana**¹ delivered by the Division Bench while answering the issue of whether improved marks of the petitioner, achieved after reappearing for an examination should prevail over the earlier marks in the affirmative, categorically holding that the improved results "relate back" to the original date, effectively treating the petitioner therein as if she had always possessed the enhanced marks and directed that her updated score in her M.Com degree be acknowledged in place of her earlier score and instructed that she be called for an interview and considered for appointment.

¹ 2013 SCC OnLine P&H 448



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5. Once the result of an improvement examination is announced, it has to be put into force, ensuring that it follows through to its logical and rightful conclusion.

6. Having evaluated the matter in the above perspective and as a fallout thereof, the present petition is disposed of directing respondents to consider and appoint the petitioner, subject to her merit position in selection, taking into account the experience certificate (Annexure P-4) which serves as evidence of her employment as an English Teacher since 15.07.2002, treating her M.A. degree to have been awarded in 2001, rather than 2004/2006, where she improved her score. Needful be done within a period of 2 months. It is clarified that she shall be entitled to only notional seniority, pay fixation etc, but not actual monetary benefits.

14.01.2025
parveen kumar

(AMAN CHAUDHARY)
JUDGE

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