

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

**Regular Second Appeal No.2047 of 1991
Date of decision : 06.05.2015**

Mohinder Singh ...Appellant
versus

State of Haryana & others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. O.P.Sharma, Advocate for the appellant.

Mr. Siddarth Sanwariya, DAG, Haryana.

RITU BAHRI, J (Oral)

The appellant/plaintiff has come up in regular second appeal against the judgments of concurrent findings recorded by the trial Court and the lower appellate Court whereby his suit has been dismissed by both the Courts.

Pursuant to the advertisement in the Tribune in 1978, the plaintiff had made an application for appointment on the post of the clerk. He was awarded roll No.30180 and thereafter he appeared for the written examination. The result of the examination held on 12.11.1978 was declared in the month of December, 1980. The plaintiff did not receive any information and he approached the respondents and came to know that he had been declared successful under the roll No.30180. Thereafter, the Secretary of the Board informed him that he had failed to qualify the test under roll No.31080.

His request to the Secretary of the Board to check the answer sheet to find out his correct roll number was not acceded to and the suit has been filed.

Defendants filed a written statement and pleaded that roll No.30180 was allotted to Jagat Singh son of Harpal Singh defendant No.3 and roll No. 31080 was allotted to the plaintiff. The result of the clerk grade examination which was declared on 24.09.1980. The plaintiff had never been issued a roll No.31080 and Jagat Singh with roll No.31080 was selected. The answer book could not be shown to the plaintiff as he did not apply for the same in writing and did not deposit the prescribed fee.

Separate written statement was filed by defendant No.3- Jagat Singh dated 27.03.1985 pleaded that he had appeared under the roll No.30180 and after declaration of the result he was given the appointment letter. The suit of the plaintiff was not maintainable being time barred.

The trial Court framed the following issues:-

- “1. *Whether the plaintiff was awarded Roll No.30180 for examination and PGSD High School, Hissar for the post of Clerk? OPP.*
2. *Whether the plaintiff has no cause of action to file the present suit? OPD.*
3. *Whether the suit of the plaintiff is time barred? OPD.*
4. *Whether the suit is not maintainable in the present form? OPD.*
5. *Whether civil court at Hissar has no territorial jurisdiction to try the present suit?*

OPD.

6. *Whether the suit is liable to be dismissed for non-compliance of provisions of Rule 1 and 6 of order VII of C.P.C? OPD.*
7. *Relief.”*

The trial Court, after going through the evidence led by the plaintiff and the respondents, came to the conclusion that roll No.30180 was not allotted to the plaintiff as no letter intimating the said roll number had been produced in evidence led by the plaintiff. As per the deposition of DW1 Mohar Singh, the roll numbers for the post of clerk, are firstly issued district wise and then alphabetically (in English). From this point of view also roll No.30180 was required to be issued to defendant No.3-Jagat Singh as roll numbers from 30001 to 30247 had been allotted to the candidates whose names started with “J” and roll numbers from 30780 to 31200 had been issued to those candidates whose names started with “M”. The trial Court came to the conclusion that the plaintiff was allotted roll No.31080 and not roll No.30180 as his name was Mohinder Singh. This fact was evident from Ex.PW2/5 read with Ex.PW2/6 which shows the manner in which the roll numbers were allotted alphabetically. The trial Court has dismissed the suit and the lower appellate Court affirmed this finding by passing order dated 13.05.1991.

After going through the judgment passed by the both Courts, the plaintiff has miserably failed to show that he had been allotted roll No.30180 as the case of the defendants consistently last

with the above said roll number allotted alphabetically to defendant
No.3-Jagat Singh.

Dismissed.

06.05.2015

Vinay

(RITU BAHRI)
JUDGE