

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

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**Civil Writ Petition No.20361 of 2013
Date of Decision : 26.05.2015**

Narender Kumar

....Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. S.S. Shekhawat, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Amit Jhanji, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The grievance of the petitioner in the present petition is that he is having 72% marks in M.Phil in Law and was fully eligible for appointment to the post of Deputy District Attorney (Group-B) but still he has not been appointed.

Notice of motion was issued on 16.09.2013 by recording the following contentions of learned counsel for the petitioner:

“Distinguished my decision rendered in CWP No.18637 of 2013 titled Dr. Mukesh Malik vs. Haryana Public Service Commission, Panchkula through its Secretary decided on 30.08.2013 on the ground that in M.Phil marks are assigned subject wise unlike in the case of Ph.D degrees where marks are not recorded for

higher qualification in the same line, therefore, in terms of the Haryana Government Instructions dated 16.06.1979 (P-8) a person can be considered eligible for the post.

Notice of motion returnable on 30.10.2013.

Order dasti."

In view of aforesaid order dated 16.09.2013, the petitioner was permitted provisionally to appear in the interview.

On 07.05.2015, learned counsel for respondent No.2 was directed to get the original result of the petitioner.

In compliance of order dated 07.05.2015, learned counsel for respondent No.2 has produced the original result of the petitioner in sealed cover in the Court today.

On perusal of the result of the petitioner, it is clear that he has secured 53 marks in total whereas the last selected candidate in General Category has secured 62 marks. The petitioner also belongs to General Category and therefore, does not fulfill the criteria as he has obtained less marks than the last selected candidate.

Keeping in view the marks secured by the petitioner which are less than the marks secured by last selected candidate, nothing survives in the present petition and the same being devoid of any merit is hereby dismissed.

The original result of the petitioner has been returned to learned counsel for respondent No.2.

(DAYA CHAUDHARY)
JUDGE

May 26, 2015
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