

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

CWP No. 26413 of 2013

Date of Decision:-02.03.2015

Dinesh Aggarwal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU.**

**Present:- Mr. Dhiraj Chawla, Advocate
for the petitioner.**

**Mr. Lokesh Singhal, Addl. AG Haryana
for respondents No.1 to 3.**

**Mr. Ashok Kumar Sharma, Advocate for
Mr. S.K. Sharma, Advocate
for respondent No. 4.**

SATISH KUMAR MITTAL, J.(Oral)

On the last date following order was passed:

"The petitioner, who is one of the candidates for the post of PGT Physics, has filed the instant petition praying for quashing of column No. 12 of Appendix B of the Haryana State Education School Cadre (Group B) Service Rules, 2012, copy of which has been annexed with the petition as Annexure P-14, to the limited extent whereby M.Sc (Electronics Physics) has been mentioned instead of M.Sc. (Electronics Science). It is the case of the petitioner that this mistake is on account of clerical error, and on the basis of the said mistake, the petitioner was declared

ineligible for the post and was not considered for appointment.

After notice of motion, in spite of grant of last opportunity, the respondents have not filed any written statement. On October 16, 2014, while granting one more opportunity to the respondents to file the same, the following order was passed by this court :

“In this case, last opportunity was granted to the respondents to file written statement. In spite of that, written statement has not been filed either by respondents No.1 to 3 or by respondent No.4. In the interest of justice, one more adjournment is granted to respondents No.1 to 3 as well as respondent No.4 to file written statement within a period of one month with an advance copy to learned counsel for the petitioner, subject to payment of ` 5,000/- as costs by each set of the respondents, to be deposited with the Haryana Legal Services Authority.

Adjourned to January 29, 2015 for arguments.”

After the passing of the aforesaid order, written statement on behalf of respondent No.4 was filed. However, written statement on behalf of respondents No.1 to 3 has not been filed till date.

Mr. Ravi Dutt Sharma, Deputy Advocate General, Haryana, on instructions from Shri Pankaj Mehta, Superintendent, Director Secondary Education, Haryana, who is present in the court, states that realising the mistake, the Department has recommended for correcting the said mistake, as well as to declare the petitioner eligible for the post and consider his claim for appointment on the post. He states that the final decision in this regard will be taken within a period of two weeks.

Adjourned to February 13, 2015."

Today a short reply by way of affidavit of Ms. Sunita Devi, Deputy Director, Coordination, O/o Director Secondary Education, Haryana, Panchkula, has been filed in which it is stated that the aforesaid mistake has been corrected and the Government has decided to consider the qualification of M.Sc. 'Electronic Science' for the Post of PGT Physics, and accordingly, the Haryana Staff Selection Commission, Panchkula has been instructed vide letter dated 12.2.2015 to treat the petitioner eligible for the post of PGT Physics on the basis of his qualification i.e. M.Sc. Electronic Science.

In view of the aforesaid affidavit, this petition has become infructuous.

Ordered accordingly.

(SATISH KUMAR MITTAL)
JUDGE

02.03.2015
reema

(HARINDER SINGH SIDHU)
JUDGE