

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

CWP No.24012 of 2013

Date of Decision:15.02.2016

EHC Sanjay Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. U.K. Agnihotri, Advocate for the petitioner.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

Ritu Bahri, J.(Oral)

The petitioner is seeking quashing of the order dated 19.10.2013 (Anneuxre P.7).

The petitioner is working in District Kurukshetra as a Constable since the year 2000. Sixteen seats were allotted to District Kurukshetra by the Office of Director General of Police, Haryana for deployment of police officials in Lower School Course under 35% quota on seniority-cum-fitness basis vide letter dated 3.4.2012. The name of the petitioner was inadvertently sent in this list and he was sent to do the Lower School Course. Subsequently, vide letter Annexure P.7, this mistake was rectified by the Superintendent of Police for Director of Haryana Police Academy, Madhuban and he was called back. The petitioner was repatriated from the Academy on 19.10.2013. By issuing notice of motion on 31.10.2013, operation of the impugned order was stayed and by virtue of this order, the petitioner has now completed training on 31.12.2013. An

affidavit has been filed by Superintendent of Police, Kurukshetra-respondent on 28.4.2014 explaining, as to how on account of a clerical error, the petitioner's name was selected to complete the Lower School Course. An inquiry has also been initiated regarding this fact. An explanation has been given as to how mistake was committed by recommending the petitioner's name. A detailed reply has been filed by SP, Kurukshetra dated 5.2.2015. The training has ended on 31.12.2013. However, the result has not been declared so far on account of pendency of this writ petition.

After going through the written statement and affidavit filed by the respondent, the writ petition is being disposed of by giving the direction to the respondents to declare the result. However, since the petitioner was not eligible to be sent against 16 posts which were meant for District Kurukshetra and has now was inadvertently sent, if the petitioner passes the course, he shall not be entitled to any benefit towards promotion on the basis of passing in the result for the year 2012-2013

February 15, 2016
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(RITU BAHRI)
JUDGE