

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

Sr. No. 201

CWP-598-2012

Decided on : 29.03.2016

Ranbir Singh

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

To be referred to Reporters or not?

Whether the judgment should be reported in the digest?

Present: Mr.Amit Aggarwal, Advocate, for the petitioner.

Mr.Harish Rathee, Senior DAG, Haryana,
for respondents No.1 to 3.

Mr.I.S.Pabla, Advocate, for respondent No.4.

DEEPAK SIBAL, J.

Through the present petition, the petitioner while seeking setting aside of appointment of respondent No.4-Satbir Singh, seeks his own appointment in his place as a Driver in the Haryana Police under the BCA category.

After having heard learned counsel for the parties and perusing the record with their able assistance, the relevant facts which have emerged, are that through advertisement dated 20.07.2008, respondent No.2 invited applications for appointment of 500 Drivers in the Haryana Police, out of which 70 posts were reserved for BCA category i.e. the category to which the petitioner and respondent No.4

belong. The selection criteria comprised of a physical efficiency test followed by interview. Since the petitioner met the required physical measurement and had passed the physical efficiency test, he was called for the interview in which he participated. However, on the declaration of the final results, the petitioner did not find his name in the list of selected candidates, leading to the filing of the present petition for the aforereferred reliefs.

The entire case set up by the petitioner is on the strength of information supplied by the respondents to one Avtar Singh under the Right to Information Act, 2005 (hereinafter referred to as the “2005 Act”) as per which respondent No.4 had secured 18 out of 20 marks in the physical efficiency test and 7 out of 15 marks in the interview. In comparison the petitioner was shown to have secured 20 out of 20 marks in the physical efficiency test and 6 out of 15 in the interview. Thus, as per the supplied information, the total marks secured by the petitioner and respondents No.4 were 26 and 25 respectively. On this basis, for appointment as a driver, the petitioner claims preference over respondent No.4.

Upon notice, the respondents have filed a response to the writ petition through which it is asserted that the information supplied to the aforereferred Avtar Singh under the 2005 Act on the basis of which the petitioner had based his entire claim, was a result of a bonafide error. It has been submitted that copies of the result sheets were not supplied and instead the marks secured, after being typed, were provided and during the process of typing the result the discrepancy had occurred.

In view of the aforesaid dispute, the original record was summoned and perused which in fact gave credence to the stand of the State. As per the original record, the marks secured by respondent No.4 were 18 out of 20 in the physical efficiency test and 10.25 in the interview whereas the petitioner had secured 20 marks in the physical efficiency test and 6 marks in the interview. Thus, the total marks secured by respondent No.4 were much higher than the marks secured by the petitioner.

The results as depicted in the original record were put to the learned counsel for the petitioner who, after perusing the same, gave me no reason to disbelieve the original record especially in the absence of any malafide having even been alleged by the petitioner, there being no challenge to the interview process and the members of the interview board not being parties before me.

In view of the above, the writ petition is dismissed. However, the State of Haryana is directed to take appropriate action in accordance with law against the official who while giving wrong information under the 2005 Act, has created the aforementioned confusion.

The compliance report with regard to action taken against the concerned official, be filed within three months from the date of receipt of a certified copy of this order.

For compliance, list on 15.07.2016.

29.03.2016

[DEEPAK SIBAL]
JUDGE