

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.2077 of 2016 (O&M)

Date of Decision: 18.10.2016

Kavita

... Appellant

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|---|-----------------|
| 1. <i>Whether speaking/reasoned?</i> | Yes / No |
| 2. <i>Whether reportable?</i> | Yes / No |
| 3. <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | Yes / No |
| 4. <i>To be referred to the Reporters or not?</i> | Yes / No |
| 5. <i>Whether the judgment should be reported in the Digest?</i> | Yes / No |

Present: Mr. Sandeep Sihag, Advocate for the appellant

Mr. RKS Brar, Addl. AG Haryana

SURYA KANT, J. (Oral)

(1) Notice of motion. On our asking, Mr. RKS Brar, Addl. AG Haryana accepts notice on their behalf. In view of the nature of order which we propose to pass, there is necessity to call upon the respondents to file their reply/affidavit, at this stage.

(2) The appellant has applied for recruitment as Constable in Haryana Police in response to the Advertisement No.08/2015 dated 19.07.2015. As per the revised standards, a female candidate is required to possess height of 160 cm. There is, however, a relaxation to those candidates who had applied in response to the previous Advertisement No.02/2013. The appellant though is said to have applied in response to the previous Advertisement No.02/2013 but in the application form submitted in response to Advertisement No.08/2015, she has filled up the relevant column with the remarks "No" as a result of which she has been denied relaxation in the height.

(3) While no fault can be found with the action of the authorities in denying the benefit of relaxation, the only question that may require determination is whether the non-disclosure of correct information by the appellant was an inadvertent mistake or she did so to draw undue advantage? If the case falls in the latter category, the application form of the appellant is definitely liable to be rejected but if the case of the appellant comes within the sweep of first category, her candidature can be sympathetically considered. Such sympathetic consideration, however, in a given situation can be extended by the authorities only and not by a writ court. We thus dispose of the appeal with a direction to the Secretary of the Staff Selection Commission to verify the facts and take an appropriate decision at the earliest.

(4) Let a **dasti** copy of this order be handed over to Mr. RKS Brar, Addl. AG Haryana for information and necessary compliance.

(5) Disposed of.

(Surya Kant)
Judge

18.10.2016
vishal shonkar

(Sudip Ahluwalia)
Judge