

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 2821 of 2015

Date of decision:- 23.08.2017

Naveen

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms. Amardeep Kaur, Advocate for
Mr. Vipul Sharma, Advocate
for the petitioner.

Mr. D.K. Mittal, DAG, Haryana

RITU BAHRI J. (Oral)

This petition under Article 227 of the Constitution of India is for setting aside order dated 02.03.2015 (Annexure P-1) passed by the learned Civil Judge, Panchkula whereby application moved for modification/clarification of the order was dismissed and permission to file fresh civil suit was not granted to the petitioner while withdrawing his suit vide order dated 17.11.2014.

Learned counsel for the petitioner at the very outset has referred to the statement made by him on 17.11.2014 (Annexure P-5) whereby he stated that he may kindly be given permission to withdraw the present case with liberty to file a fresh civil suit with impleading selected candidate. However, vide order dated 17.11.2014 he was allowed to withdraw the suit, in view of the statement given by him but liberty was not granted to file a fresh civil suit by impleading selected candidates.

On notice of the present revision petition, a reply has been filed on behalf of respondent Nos. 1 to 5 wherein reference can be made to R-V

whereby CWP No. 5659-2014 which was withdrawn by the petitioner on 25.03.2014 with a liberty to avail alternative remedy by filing a civil suit on the same cause of action for the present writ petition was filed. Initially CWP No. 3036 of 2014 was filed by the petitioner, which was disposed of on 18.02.2014 by giving directions to the respondents to consider and decide the representation of the petitioner within one week from the date of receipt of certified copy of this order with further directions that if the claim of the appellant is accepted, then further steps be taken accordingly. The facts of the case are that the petitioner applied against General Category instead of Outstanding Sportsperson (Gen.) and his application was considered under General Category and he was seeking his application to be considered under Outstanding Sportsperson (Gen.) as the cut off marks for General Category has been fixed at 83% in matriculation and the petitioner was having 57% in matriculation.

After going through the contents of the petitioner, once the petitioner has given statement that he wishes to withdraw the petition with liberty to file a fresh civil suit with impleading selected candidate, the learned Civil Judge, Panchkula should have modified order dated 17.11.2014 which was for grant of permission to file a fresh civil suit impleading selected candidates.

In view of the above factual position, order dated 02.03.2015 (Annexure P-1) passed by the learned Civil Judge, Panchkula is set aside and petitioner is granted one opportunity to file a fresh suit after impleading the selected candidate.

August 23, 2017

G Arora

(**RITU BAHRI**)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No