

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

**CWP No. 15892 of 2013
Date of Decision: 14.07.2017**

Meenu

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Lekh Raj Sharma, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. Kanwal Goyal, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks the quashing of the selection process of 80 posts of Assistant District Attorneys (Group-B) in the Prosecution Department of the Government of Haryana, which process was initiated vide an advertisement dated 04.11.2011 (Annexure P-1), a corrigendum to which was issued, the date of which is not known, but a copy of which has been appended as Annexure P-2.

By the said corrigendum, 04 seats were shown to be reserved for the Physically Handicapped Category in the General Category of posts advertised, 01 for visually impaired, 02 for hearing impaired, and 01 for orthopedically handicapped persons.

At the time when the petition came up for initial hearing on 25.07.2013, the following order was passed by a co-ordinate Bench:-

“Notice of motion returnable on 25.11.2013.

Notice of motion limited to receive response from the Commission as to what led to the announcement Annexure P-6 to interview “remaining candidates” in order to understand the grievance of the petitioner.”

Thus, notice was issued only limited to the aforesaid extent, i.e. the contents of Annexure P-6, which is an announcement by the respondent-Commission stating as follows:-

It is hereby announced for the general information of the candidates that the Commission has fixed the interviews for the posts of Assistant District Attorney in Prosecution Department, Haryana at Commissions' office Bays 1-10, Block-B, Sector-4 Panchkula. Interview letters are belong sent separately. The interview schedule is as under:-

<i>Name of the Post</i>	<i>Schedule for Interview for remaining candidates</i>
<i>Assistant District Attorney</i>	<i>06.02.2013 (Wednesday)</i>

The petitioners' grievance is that candidates who were earlier absent in the first round of interviews, were given a chance to appear again on 06.02.2013, thereby prejudicing the petitioners' chances for selection to the post.

It is further contended by Mr. Sharma, learned counsel for the petitioner, that in fact even candidates whose candidature had been rejected, were also again called for an interview.

The argument therefore is that documents that were not presented by the cut off date, could not have been looked at subsequent thereto.

In response to the aforesaid contentions, Mr. Kanwal Goyal, learned counsel appearing for respondent no. 2-Commission, has submitted that as a matter of fact, the only candidates who were called for interview on 06.02.2013, vide the aforesaid announcement Annexure P-6, were those whose documents did not 'meet with' the scrutiny earlier carried out, inasmuch as their enrollment certificates as Advocates and other documents which were otherwise stated to have been possessed by those candidates, were not brought by them. They were therefore given another chance to present their documents, to show that they were eligible even on the cut off date.

Two candidates were those who had contended that they had not received a letter from the Commission, communicating the date of the interview to them.

He further submits that as a matter of fact, none of the candidates who appeared on 06.02.2013 for interview, was selected in the Physically Handicapped Category. 03 candidates who appeared on that date were selected in different categories, i.e. 01 in the General Category, 01 in the Scheduled Castes (Reserved) Category and 01 in the Ex-servicemen (Reserved) Category, and were offered appointment.

On the previous date of hearing, i.e. 12.07.2017, learned counsel for the Commission had been asked to check the merit position of the petitioner, in response to which he has stated that she stands at merit no. 45 in the category of physically handicapped persons.

In view of the aforesaid position, this Court find itself unable to come to the rescue of the petitioner even though she is seen to be an extremely handicapped person present in the Court, because even if all 03 candidates who were selected on the basis of the interview conducted on 06.02.2013, are to be for

any reason eventually held to have not been eligible to participate in the selection process, the petitioner would not make it even on her on merit, either in the Physically Handicapped Category or in the General Category.

Consequently, without going into other issues involved in this petition, notice issued in any case having been limited to what has been stated hereinabove, this petition is dismissed but with no orders as to costs.

July 14, 2017
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.