

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 19594 of 2014 (O&M)
Date of Decision: February 14, 2017

Devender Singh

... Petitioner

Versus

Haryana Public Service Commission and others

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Ram Niwas Sharma, Advocate,
for the petitioner.

Mr. H.N. Mehtani, Advocate,
for respondent No.1.

Mr. Harish Rathee, Sr. DAG, Haryana.

P.B. Bajanthri, J. (Oral)

The petitioner is a candidate for the recruitment to the post of Lecturer in Hindi (School Cadre). His candidature was not considered having regard to the marks recruit by the petitioner. Under the Right to Information Act, the petitioner has obtained certain information by which the petitioner is stated to have secured 63 marks, whereas last candidate has secured 64 marks in the relevant category.

Learned counsel for the petitioner submitted that the petitioner is entitled for 2 marks for his achievement in the Sports in particularly baseball. To that extent, he has furnished certain certificates issued by the competent authority. The respondents – selecting authorities have not considered those certificates for the purpose of awarding 2 marks on the score that said certificates were not authenticated by the Sports Department,

which is one of the requirement under the instructions issued by the State Government in the year 1993.

Admittedly, those instructions which were issued in the year 1993 is not part and parcel of the advertisement so as to furnish information to the candidates who claim benefit under the Sports Certificate. The respondents have not informed the eligible candidates that they are required to produce Sports Certificate which is authenticated by the Sports Department. Now, they cannot take the stand as per the Government instructions of the year 1993 which stipulate that sport certificates are required to be authenticated by the competent authority, namely, Sports Department. In the absence of furnishing instructions to the candidates, the respondents cannot take the contention that the petitioner has not authenticated his sport certificates from the Sports Department.

In view of these facts and circumstances, the selecting authority is directed to reconsider the petitioner's claim and award necessary marks to the sport certificates and reconsider his candidature for selection to the post of Lecturer in Hindi and issue appointment order if he is otherwise eligible with notional service benefits. The above exercise shall be completed by the respondent - selecting authority within a period of three months from today.

Instant writ petition stands disposed of.

February 14, 2017
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes

Whether reportable : No