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

Civil Writ Petition No.17937 of 2017

Date of decision: 11.08.2017

Sunil

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. K.K.Chahal, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India on the ground that Provisional Mark Certificate of B.Sc.(Annexure P/2) has not been considered and he was not given the benefit of one mark for higher education. Resultantly, he had not made the cut for the post of Constable (Male) under the Scheduled Caste category.

It is his case that he had applied for the said post through online application on 1.10.2015 (Annexure P/3) along with provisional certificate of B.Sc. issued by respondent no.5-University. Thereafter, he went through Physical Screening Test, Knowledge Test, Physical Measurement Test and Interview-cum-Personality Test. As per the result (Annexure P/5) the last selected candidate under the Scheduled Caste category secured 54.60 marks and the petitioner had not made the cut. Accordingly, reference is made to the break up of the marks at page 57 Annexure P/6 to show that total marks awarded to him was 53.80 and 0 mark was awarded on account of higher

qualification. It is the case of the petitioner that Result-cum-Detailed Mark Card of 6th Semester of B.Sc. in Graphics & Animation, examination of which was held in May, 2014 was supplied on 9.11.2015. Accordingly, it is his case that benefit of provisional mark certificate of B.Sc. should be given since the cut off date was of 6.10.2015 and he had already passed his examination of B.Sc. in May, 2014.

Counsel for the petitioner submits that representation dated 20.7.2017 (Annexure P/7) has already been made to respondent-Commission regarding the grievance and he would be satisfied if a direction is issued to respondent no.2 to decide the said representation within a time bound frame.

Notice of motion.

Mr. Shruti Jain Goyal, Assistant Advocate General, Haryana accepts notice on behalf of respondents no.1 to 3. Copies of the writ petition have been supplied to her.

Accordingly, without commenting upon the merits of the case and keeping in view the above observations, the present writ petition is disposed of with a direction to respondent no.2 to take into consideration the grievance raised in the said representation dated 20.7.2017 (Annexure P/7) and pass an appropriate order within a period of four weeks from the date of receipt of a certified copy of this order. It is made clear that in case the petitioner is to be given the benefit at the cost of any other candidate, the said candidate will be put to notice before any adverse order is passed since in the present petition also, the petitioner has arrayed one Naveen Kumar as respondent no.4. In case any adverse order is to be passed then a reasoned

order be passed and copy thereof be supplied to the petitioner.

The present writ petition is disposed off with the aforesaid directions.

August 11, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No