

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246-2

CWP No.23440 of 2015
Date of decision: 17.02.2017

Dinesh Kumar and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

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

Present:- Mr. V.D. Sharma, Advocate
for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Kuldeep Sheoran, Advocate
for respondent No.4.

P.B. BAJANTHRI, J. (ORAL)

In the instant petition, the petitioner has questioned the validity of the orders dated 11.08.2014 (Annexure P-7 and P-8) passed by the second respondent. The petitioner and the private respondents are candidates for the recruitment to the post of Canal Guards in the Irrigation Department, Haryana. State of Haryana had advertised 750 posts of Canal Guards on 01.08.2008. The petitioner and private respondents and others were subjected to physical test in which the four events have been assigned namely race 100 meter as well as 800 meter, long jump and high jump. For these events, certain marks have been awarded to each of the candidates depending upon their performance in the event. The petitioner-Dinesh Kumar has secured $0+3+5+3 = 11$ marks.

Taking these materials read with academic and interview marks, the respondents have prepared a consolidated list while transforming

the marks secured in the sport to the consolidated list. Officials have committed errors in respect of the petitioner and some of the candidates. For example, petitioner who has actually secured 16 marks in sports, it was wrongly entered as 20 in the consolidated marks sheet. This has led to confusion. Consequently, a writ was filed before this Court in which a direction has been given to rectify the errors committed by the officials in the consolidated marks list of selection or if need to carry fresh selection. Operative portion of the order passed in a bunch of petitions in CWP No.337 of 2010 of Sh. Dinesh Kumar and CWP No.4276 of 2010 of Sh. Ajay Parmar reads as under:-

“On considering the facts and circumstances of the present cases and in the light of various orders, which have been passed by this Court, this Court is of the view that the appropriate authority for looking into the grievance, if any, of the petitioners would be the Principal Secretary-cum-Financial Commissioner, Irrigation Department, and, thus, the aggrieved petitioners shall file a detailed representation, highlighting therein their objections/grievances within a period of six weeks from today. If such a representation is made by the petitioners within the above mentioned time, the same shall be considered and decided by the Principal Secretary-cum-Financial Commissioner, Irrigation Department, within a further period of 12 weeks by passing a speaking order. Decision so taken be conveyed to the petitioners forthwith. With the above observations, the writ petitions stand disposed of.”

Pursuant to the directions of this Court, the respondents have rectified the errors committed by them while entering sports marks in a consolidated marks sheet with reference to the marks obtained by each of

the candidates in the sports. In view of this fact, the petitioner-Dinesh Kumar cannot contend that he has been awarded 14 marks in the sport when the petitioner's signature has been obtained while awarding 11 marks which is evident from the record maintained by the respondents. Therefore, the petitioner cannot take undue advantage of error committed by the officails entering sports marks as 14 instead of 11.

Naresh Kumar who is respondent No.5, has not been appointed having regard to the facts stated above and the petitioner has not made out case.

The petition stands dismissed.

17.02.2017
Dinesh Bansal

(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No