

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCp-2942-2016(O & M)
Date of decision: 17.05.2018

Rajpal

.... Petitioner

V/s

Bharat Bhushan, Chairman, Haryana Staff Selection Commission

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Parveen Chauhan, Advocate, for the petitioner.

Mr. Balraj Mahajan, Advocate General, Haryana, with
Mr. Rohit Arya, AAG, Haryana.

Rajan Gupta, J. (Oral)

Mr. Mahajan seeks to place on record affidavit of Bharat Bhushan Bharti, Chairman, Haryana Staff Selection Commission, Panchkula, in light of order dated 09.03.2018. He has referred to Para 5 thereof. Same reads as under:-

“That it is humbly submitted that as the selection was never set aside as is evident from paras 8, 9 and 10 of the Judgment as referred. It is pertinent to mention that the neither candidates in the respective category of petitioners tat is SC/BCA nor the candidates in other categories were impleaded as parties in the CWP or in the LPA. The Hon’ble DB has set aside the judgment of Hon’ble Single Bench only qua the appellants/petitioners. Therefore, the candidates who were selected and appointed were not even the parties before the Hon’ble Court and no direction has been given as regards the selection of said candidates.

A perusal of the paras 8, 9 and 10 of the judgment would clarify that the Hon’ble Division bench has allowed the LPA in view of the ratio in Poonam Rani’s case wherein the selection of the successful candidates was not set aside. That the present commission has only taken forward the process already initiated by the prior commission, as such, the deponent has not committed willful disobedience/violation of aforesaid orders dated 11.01.2013.

However, the deponent tender unqualified apology for any act of Commission or omission, if attributable to him and the deponent has the highest regards for the Hon'ble High Court and even cannot dream of disobeying the orders of the Hon'ble High Court."

Learnt counsel for the petitioner has not been able to make out any case to show that the order passed by the LPA Bench has been violated. Admittedly pursuant to same, test was conducted for unsuccessful candidates. Ten candidates were selected and appointed. State made an effort to impugn the orders passed by the LPA Bench before the apex court but remained unsuccessful.

In view of the above, no cause of action survives in this petition. Same is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 17, 2018
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No