

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 16.07.2018****CWP No.26012 of 2017 (O&M)**

Megha Rani

...Petitioner

Vs.

Haryana Staff Selection Commission & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. Sumeet Goel and Ms. Kaavya Jariyal, Advocates,
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

Mr. Harish Bhardwaj, Advocate,
for the applicants in CM No.7897-98 of 2018.Mr. R.S.Bains, Advocate,
for the applicant in CM No.8430-31 of 2018.**RAJIV NARAIN RAINA, J. (ORAL)**

The right of appointment to the petitioner flows from the revision of result, as she comes within the zone of consideration in the main select list. The revision of result is not a consequence of court intervention. The revision has been done on consideration of objections filed by complaining candidates before the Haryana Staff Selection Commission (HSSC), where some errors were found in the questions and answer-keys. Not only the petitioner, but 4 other candidates have come within the zone of merit with the revision of result, all of whom have a right to appointment as per their merit determined by the HSSC.

There are two applications i.e. CM No.7897 of 2018 filed by 4 candidates and CM No.8430 of 2018 filed by 1 candidate, under Order 1 Rule 10 CPC for impleading the applicants as party respondents to the

present petition. These applicants had secured appointment as per original result declared and are working, but presently are threatened with termination of their services because they have fallen out of the merit of the advertised vacancies as a result of the revision. These candidates were appointed about a year back.

On the other hand, Ms. Goyal on instructions from HSSC in the light of the order passed in the presence of the learned Advocate General, Haryana to find a via media to save the appointments other than that of the petitioner, submits that the cadre strength of Statistical Assistants is 78 out of which 06 vacancies i.e. 03 of General category, 01 of SC category, 01 of BC-A category & 01 of BC-B category, are lying vacant. The names of 04 candidates, who were not in the main result, but whose names would now figure in the revised result, are higher in merit than 02 of the applicants in the General category, who would have a preferential right to appointment in terms of their merit.

Be that as it may, the applicants under Order 1 Rule 10 CPC cannot be heard to question the rights of the petitioner to appointment and they are free to represent to the Government that they have committed no fault, nor practiced deceit or any made a misrepresentation and, thus, it would be harsh to throw them out of the job. This is a matter for consideration by the State Government while defending the action of the HSSC making a mess of a few of the questions and answer keys of which some have been found wrong.

The contention that the writ itself is not maintainable since it does not implead the selected candidates is an argument of desperation.

None knew what would happen with the revision of the result and, therefore, the argument is not sustainable in law or in fact. In any case, the applicants do not have sufficient locus standi to question the right of the petitioner to appointment. Since applicants feel aggrieved, they are free to approach a court of law, in case the Government fails to accommodate them and save their appointments.

It has been pointed out by Ms. Shruti Jain Goyal that Sangeeta Verma D/o Surender Verma; Mamta Rani D/o Jaipal and Sonia Bhatt D/o Baljeet Bhatt have secured first three positions in the revised waiting list in their respective categories i.e. BC-A, SC and BC-A (OSP) respectively, who would also have a right to be heard in case the waiting list is operated. The Government may even consider creation of supernumerary post/s or by deducting posts from future vacancies arising out of promotion/retirement/dismissal etc.

In view of the above, while dismissing the applications for impleadment with liberty to the applicants to approach the Government, the instant petition is allowed. The respondents are directed to offer appointment to the petitioner after completion of formalities within a week from the date of receiving of certified copy of this order.

The petitioner will be entitled to salary from the date the last candidate in the main list was appointed to service in the normal course including carrying the right to seniority as per rules and merit position from her batch-mates.

The pending applications for stay of the revision of result are ordered to stand dismissed.

16.07.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>