

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

CWP No.6093 of 2016
Date of Decision: 10.12.2018

Sushil Kumar

....Petitioner

Versus

State of Haryana and ors

....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

RITU BAHRI, J.(Oral)

The petitioner is seeking setting aside of the selection of the conductor in transport department held vide advertisement No.3/2009 category No.1 published in newspaper Dainik Jagran, Hisar dated 28.02.2009 (Anneuxre P-1) and the result (Annexure P-2) dated 27.02.2011.

The case of the petitioner in short is that as per the attendance sheet (P-8) selected candidate respondent No.4-Sohan Lal s/o Baldev Singh who had roll number 008667 was not even present at the time of written examination. The roll number of respondent No.4 has been shown as elected as per the result Annexure P-3. The case of the petitioner is that respondent No.4 was not even present during the written examination as per the attendance Sheet P-8. The

document attendance sheet (Annexure P-8) is a manipulated document in order to save the appointment of Sohan Lal s/o Baldev Singh who has got roll number 008667. It is further submitted by the learned counsel for the petitioner that the signatures of respondent No.4 does not tally with the signatures where attendance has been marked even the thumb impression have been placed later on.

On notice of the petition a short reply of Rajeev Deudeja, Secretary (Legal), Haryana Staff Selection Commission-respondent No.3 dated 29.06.2016 has been filed. As per reply, the attendance sheet prescribed for the post of conductor, respondent No.4 was present in the examination conducted on 27.02.2010 and the attendance sheet dated 27.02.2010 has been placed on record as Annexure (R-3/1). The signatures and thumb impression of respondent No.4 on the attendance sheet (R-3/1) shows that he was present in the examination conducted for the said post and the allegation of the petitioner that he was absent and the selection is biased and has made through pick and choose policy has been made without any basis. After filing of the written statement on 29.06.2006 till date no replication has been filed. Notice of motion was issued on 01.04.2016 on the point that respondent No.4 had not appeared and was absent on the date of the written examination and the petitioner has not been given any information under the Right to Information Act, 2005.

Keeping in view the short written statement filed, no further directions are required to be issued in this case as presence of

respondent No.4 is reflected in the attendance sheet (R-3/1), which bears his thumb impression as well as his signatures.

The petition stands dismissed.

[RITU BAHRI]
JUDGE

December 10, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no