

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

CWP No. 3052-2017

Date of decision : 05.12.2018

Lokesh Kaushik and anr.

.....Petitioners

versus

State of Haryana and others

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rabinder Singh, Advocate
for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana

RITU BAHRI, J. (Oral)

The petitioners are seeking quashing of impugned order dated 09.02.2017 (P-10) vide which respondent No. 3 has appointed respondent Nos. 4 to 9 by replacing the petitioners.

Brief facts of the case are that petitioners are working since 15.01.2015 on contract basis after due advertisement by duly constituted selection committee. However, the respondents again issued advertisement dated 13.01.2016. This action of the respondents was challenged vide CWP No. 1007-2016. Subsequently, this advertisement was withdrawn. But now the respondents again issued advertisement dated 13.01.2017 (P-9). This advertisement was then challenged by filing CWP No. 2010-2017 and the petitioners were allowed to participate in the selection process but the petitioners were declared unsuccessful, vide list dated 09.02.2017 and hence the present writ petition.

In compliance of order dated 10.08.2018, an affidavit dated 23.10.2018 has been filed in the Court today and the same is taken on record.

Sumit Kumar was awarded 15.72 out of 30 for Educational qualification of 10th class, 36.57 out of 50 for marks in ITI and 04 out of 10 for experience. Lokesh Kaushik was awarded 13.50 out of 30 for Educational qualification of 10th class, 33.71 out of 50 for marks in ITI and 08 out of 10 for experience. Naveen Kumar was awarded 14.16 out of 30 for Educational qualification of 10th class, 33.43 out of 50 for marks in ITI and 04 out of 10 for experience.

In the affidavit, it has further been stated that the status of helper 28 posts has been informed to the Director, State Transport, Chandigarh vide letter dated 12.06.2014. Out of 28 posts, 14 posts for helper were remained vacant and therefore, approval was sought to fill up vacant post of helper. Vide letter dated 29.10.2014, Director, State Transport Haryana has approved the proposal and allowed to engage 14 helpers of Mechanical trade on contractual basis against vacant posts strictly following the outsourcing policy of Government of Haryana. The candidates have been given marks as per letter/policy dated 02.12.2016 (R-1).

After going through the above affidavit, it transpires that all the candidates have rightly been given marks, as per letter/policy dated 02.12.2016 (R-1) and now after participating in the selection process, the petitioners cannot challenge the criteria at this stage.

Dismissed.

December 05, 2018
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No