

**CWP No. 400 of 2018
and connected cases**

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

CWP No. 400 of 2018

Date of Decision: 04.12.2018

Amir Khan and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Rajesh Dhankhar, Advocate,
Mr. Vikram Sheoran, Advocate,
Mr. Raman Chawla, Advocate,
Mr. Manoj Kaushik, Advocate,
Dr. S.K. Redhu, Advocate,
Mr. Ravinder Singh Dhull, Advocate,
Mr. Johan Kumar, Advocate
Mr. Sunil K. Nehra, Advocate
Ms. Mandeep Kaur, Advocate with
Mr. Parveen Kumar, Advocate
Mr. Chitranshu Bansal, Advocate with
Mr. Vikram Singh, Advocate,
Mr. Amit Khatkar, Advocate,
Mr. Wazir Singh, Advocate,
Mr. G.S. Brar, Advocate,
Mr. Bhupinder Malik, Advocate,
Ms. Stuti Bamba, Advocate for
Mr. Keshav Gupta, Advocate,
Mr. Sanchit Punia, Advocate
Mr. Ranvir S. Chauhan, Advocate
Ms. Sona Kaul, Advocate for
Mr. Naresh Kumar, Advocate
Mr. U.K. Agnihotri, Advocate,
Mr. Jagtaar Kureel, Advocate
Mr. Sanjeev Kodan, Advocate
Mr. Abhinav Sood, Advocate,
Mr. Karan Singh, Advocate
Mr. Munish Kamboj, Advocate with

Mr. P.S. Jammu, Advocate
Mr. Ashok Bhardwaj, Advocate,
Mr. Suman Sagar, Advocate and
Mr. Jitender Dhanda, Advocate,
Mr. Balraj Singh, Advocate
Mr. Amit Kumar, Advocate and
Mr. Harkesh Manuja, Advocate,
Mr. Jasjeet Beniwal, Advocate,
Ms. Kusum Raj, Advocate and
Mr. S.S. Sahu, Advocate
Mr. Sanjiv Gupta, Advocate
Mr. Ashutosh Kaushik, Advocate
for the petitioners.

Mr. Baldev Raj Mahajan, Advocate General, Haryana with
Ms. Shruti Jain Goyal, DAG, Haryana.

Mr. Vikas Chatrath, Advocate
for respondent Nos. 4 to 6
(In CWP No. 26103 of 2016)

RAJIV NARAIN RAINA, J. (Oral)

1. This order will dispose of the above mentioned writ petition as well as other connected writ petitions* tabulated at the foot of the order.

2. I have heard learned counsel for the petitioners as who stood up to address arguments including Mr. Sunil K. Nehra and Mr. R.S. Dhull, Advocates and also heard the learned Advocate General, Haryana. Mr. B.R. Mahajan assisted by Ms. Shruti Jain Goyal, DAG Haryana.

3. Learned Advocate General has read out the detailed orders passed by this Court from time to time in this case on 06.02.2018,

01.03.2018, 15.03.2018 and 08.08.2018. Ms. Goyal has produced a chart disclosing that the total applications received for viewing videography was 246. However, the number of candidates who came to view the videography of driving test in the office of the Commission was only 199. The number of candidates called for retest of the driving proficiency step whose clips were not traceable were 21, 17 had already passed the driving test and they were paid back their deposit of money to view their clips. These 17 though passed the test but were not found suitable for selection on other grounds i.e. some of them had less experience of driving, or qualifications were not in conformity with the advertised requirements, lack of essential certificates etc. as presented in a 2nd chart produced by the Law Officer. This made a total of 246 candidates.

4. Out of the 21 candidates whose videography was not traceable only 9 came present in the re-test. Mr. Dhull interjects at this stage and submits that other candidates were also present but they made an application that their tests should be postponed till the pendency of the writ petition because LPA had been filed against an interim order and was pending. This test was held on 08.05.2018. Order passed in LPA No. 661 of 2018, Sombir Vs. State of Haryana and others on 01.08.2018 has been produced by the learned Law Officer. The appeal was dismissed as withdrawn with liberty to raise

the issues before the Single Judge by making an appropriate application. Mr. Dhull admits that no application has been filed pursuant to liberty granted. Re-test was notified by the Commission on 22.04.2018. Accordingly, 21 candidates were duly notified and they appeared. However, from the chart it is noticed that one candidate who passed in the proficiency (re-test) was interviewed on 24.08.2018, 12 candidates did not appear for re-test. If Mr. Dhull disputes this, then he may take further recourse in terms of the order proposed to be passed in the concluding paragraphs of the order. The total objections received including through e-mail as a result of the interim orders passed by this Court were 133. The posts which have been kept vacant on account of directions of this Court category-wise are 225.

5. As a result, 133 candidates who are complaining petitioners or non-petitioners are in the fray as they have received speaking orders passed by the Commission in these cases. Accordingly, they would be at liberty to take recourse to legal remedy as available to them in law. These speaking orders have given rise to a fresh causes of action and resultantly, the rights, if any, of the petitioners to challenge the orders is left open to them, however, all the 225 posts kept vacant on account of interim orders, it is ordered that the difference between 225 and 133 posts leaves a remainder of 92 vacancies which will be open to the Government to fill as per the comparative merit achieved in the result

of the selection.

6. However, the Government is restrained from filling up 133 posts till 10.01.2019 in anticipation of litigation. Petitions, if any, may be filed on or before 21.12.2018 or within a period of 15 days from the date of receiving the certified copy of this order or from when it is uploaded on the website of the High Court to enable the petitioners to approach this Court, in case they are advised to do so. In case petitions are filed to challenge the orders passed in view of directions by this Court, the petitioners will be at liberty to take all their pleas on law and facts as may be available to them in accordance with law.

7. Thereafter, the Registry is directed not to entertain any writ petition beyond the date 21.12.2018 involving the posts of Drivers, HRY. State Transport under Public Advertisement No. 4/2017.

8. If any of the petitioners does not have a copy of the speaking order passed in their cases or have not been served with them, they may collect it from the office of the Advocate General, Haryana.

9. The petitions are disposed of in the above manner with the aforesaid liberty.

04.12.2018
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(RAJIV NARAIN RAINA)
JUDGE

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and connected cases

Sr. No.	Case number	Parties Name
1	CWP-29882-2017	RAM BILASH V/S STATE OF HRY. AND ORS
2	CWP-1064-2018	ANOOP SINGH V/S STATE OF HRY. AND ANR.
3	CWP-1120-2018	ISHWAR SINGH AND ORS V/S STATE OF HRY AND ORS
4	CWP-1164-2018	RAM MEHAR AND ORS V/S STATE OF HRY. AND ORS.
5	CWP-117-2018	MAKHAN SINGH V/S STATE OF HRY. & ORS
6	CWP-1249-2018	SUNIL KUMAR AND ORS V/S STATE OF HRY. AND ORS
7	CWP-1262-2018	JASBIR SINGH AND ORS V/S STATE OF HRY. & ORS
8	CWP-1284-2018	HARDEV SINGH AND ORS V/S STATE OF HRY AND ORS
9	CWP-1333-2018	MUKESH KUMAR V/S STATE OF HRY. & ORS
10	CWP-1338-2018	JOGINDER SINGH V/S HRY. STAFF SELECTION COMMISSION & ORS.
11	CWP-1359-2018	VIRENDER SINGH V/S STATE OF HRY. & ORS
12	CWP-1382-2018	KAMALDEEP AND ANR V/S STATE OF HRY. AND ORS
13	CWP-1457-2018	JASBIR V/S STATE OF HRY. AND ORS
14	CWP-1531-2018	DEEPAK SHARMA AND ANR. V/S STATE OF HRY. AND ORS
15	CWP-1564-2018	DHARMENDER SINGH AND ORS V/S STATE OF HRY. AND ORS
16	CWP-1745-2018	MANJIT V/S STATE OF HRY. AND ORS
17	CWP-1787-2018	KRISHAN KUMAR V/S STATE OF HRY. AND ORS
18	CWP-1852-2018	JASWANT SINGH V/S STATE OF HRY. & ORS
19	CWP-1856-2018	DHOOP SINGH V/S STATE OF HRY. AND ORS
20	CWP-1991-2018	SOHAN LAL V/S STATE OF HRY. AND ORS
21	CWP-1997-2018	BHUPINDER SINGH AND ORS V/S STATE OF HRY. AND ORS
22	CWP-2041-2018	SANJU V/S STATE OF HRY. AND ORS
23	CWP-2050-2018	SONU V/S STATE OF HRY. & ORS
24	CWP-26103-2016	MANJEET KUMAR V/S STATE OF HRY. AND ORS
25	CWP-28376-2017	JAI PARKASH V/S STATE OF HRY. & ORS
26	CWP-28644-2017	SANDEEP KAUSHIK V/S THE STATE OF HRY. AND ANR.
27	CWP-28789-2017	SUNDER SINGH V/S STATE OF HRY. AND ORS.
28	CWP-29043-2017	NOPINDER PAL V/S STATE OF HRY. AND ANR.
29	CWP-29124-2017	AJAY KUMAR V/S HRY. STAFF SELECTION COMMISSION AND ORS.
30	CWP-21183-2018	NETRAM V/S STATE OF HRY. & ORS
31	CWP-29261-2017	VERINDER SINGH V/S STATE OF HRY. & ANR.

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Sr. No.	Case number	Parties Name
32	CWP-29453-2017	SUNIT KUMAR V/S HRY. STAFF SELECTION COMMISSION AND ORS
33	CWP-29465-2017	NASEEB AND ORS V/S STATE OF HRY. AND ORS
34	CWP-29634-2017	ASHOK V/S STATE OF HRY. AND ORS
35	CWP-29273-2017	ASHOK KUMAR V/S HRY. STAFF SELECTION COMMISSION
36	CWP-29274-2017	JAIVIR KUMAR V/S STATE OF HRY. AND ORS
37	CWP-29430-2017	JAIPAL V/S STATE OF HRY. AND ORS
38	CWP-29501-2017	SATISH V/S STATE OF HRY. AND ORS
39	CWP-29607-2017	VIJAY KUMAR V/S STATE OF HRY. AND ORS
40	CWP-29972-2017	VINOD KUMAR V/S HRY. STAFF SELECTION COMMISSION
41	CWP-30002-2017	BALWINDER SINGH V/S STATE OF HRY. AND ORS
42	CWP-442-2018	VIR SINGH AND ORS V/S STATE OF HRY. AND ORS
43	CWP-366-2018	JAIBIR SINGH V/S STATE OF HRY. AND ORS.
44	CWP-537-2018	SANDEEP KUMAR AND ORS V/S STATE OF HRY. AND ORS
45	CWP-538-2018	KULDEEP SINGH AND ANR. V/S STATE OF HRY. AND ORS
46	CWP-616-2018	KARAMBIR V/S STATE OF HRY. AND ORS
47	CWP-634-2018	VED PAL V/S STATE OF HRY. AND ORS
48	CWP-640-2018	VINOD KUMAR V/S HRY. STAFF SELECTION COMMISSION AND ORS.
49	CWP-752-2018	SUDHIR V/S STATE OF HRY. AND ORS
50	CWP-778-2018	BARU RAM V/S STATE OF HRY. & ORS
51	CWP-779-2018	INDERJEET V/S STATE OF HRY. & ORS
52	CWP-919-2018	NANHA AND ORS V/S STATE OF HRY. AND ORS
53	CWP-1981-2018	SUBHASH CHANDER V/S HRY. STAFF SELECTION COMMISSION
54	CWP-2175-2018	PARDEEP SINGH V/S STATE OF HRY. AND ORS
55	CWP-2185-2018	NARENDER KUMAR V/S STATE OF HRY. AND ORS
56	CWP-184-2018	SANDEEP KUMAR AND ORS. V/S STATE OF HRY. AND ORS.
57	CWP-150-2018	ANIL KUMAR AND ORS. V/S STATE OF HRY. AND ORS.
58	CWP-29886-2017	AJAY V/S STATE OF HRY. AND ORS
59	CWP-29908-2017	RAM PAL V/S STATE OF HRY. AND ORS
60	CWP-29912-2017	PAWAN V/S STATE OF HRY. AND ORS
61	CWP-26777-2017	DHARAM VIR V/S STATE OF HRY. AND ORS
62	CWP-29659-2017	SANJAY KUMAR V/S STATE OF HRY. AND ORS

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Sr. No.	Case number	Parties Name
63	CWP-101-2018	ANIL KUMAR AND ORS V/S STATE OF HRY. AND ORS.
64	CWP-1141-2018	RAMESH KUMAR. V/S STATE OF HRY. AND ORS.
65	CWP-1191-2018	SATISH KUMAR AND ORS V/S STATE OF HRY. AND ORS
66	CWP-124-2018	RAJESH KUMAR V/S STATE OF HRY. & ORS
67	CWP-1316-2018	SURENDER KUMAR V/S STATE OF HRY. AND ORS.
68	CWP-1348-2018	BALVINDER SINGH V/S STATE OF HRY. AND ORS.
69	CWP-1369-2018	BIJENDER KUMAR V/S STATE OF HRY. AND ORS
70	CWP-1374-2018	SURINDER SINGH V/S HRY. STAFF SELECTION COMMISSION AND ORS.
71	CWP-1398-2018	RAJESH KUMAR V/S STATE OF HRY. AND ORS
72	CWP-158-2018	RAMESH V/S STATE OF HRY. AND ORS. KARAN SINGH
73	CWP-165-2018	NARESH V/S STATE OF HRY. AND ORS. KARAN SINGH
74	CWP-2008-2018	SOHAN LAL V/S STATE OF HRY. AND ORS
75	CWP-273-2018	SOMBIR AND ORS. V/S STATE OF HRY. AND ORS.
76	CWP-28623-2017	VIRENDER SINGH V/S STATE OF HRY. AND ORS
77	CWP-28880-2017	RAKESH KUMAR V/S STATE OF HRY. AND ORS
78	CWP-324-2018	MAHENDER SINGH V/S STATE OF HRY. AND ORS
79	CWP-356-2018	AMARJEET AND ORS V/S STATE OF HRY. AND ORS.
80	CWP-472-2018	JAGDEV V/S STATE OF HRY. & ORS
81	CWP-570-2018	BALINDER KUMAR V/S STATE OF HRY. AND ORS
82	CWP-573-2018	NAVEEN KUMAR AND ORS V/S STATE OF HRY. AND ORS
83	CWP-576-2018	RAJBIR SINGH AND ORS. V/S STATE OF HRY. AND ORS.
84	CWP-647-2018	SOMBIR SINGH V/S HRY. STAFF SELECTION COMMISSION & ORS
85	CWP-652-2018	SUNIL KUMAR AND ORS. V/S STATE OF HRY. AND ORS.
86	CWP-790-2018	ANIL AND ORS V/S HRY. STAFF SELECTION COMMISSION AND ORS.
87	CWP-798-2018	MUKESH V/S STATE OF HRY. AND ORS
88	CWP-933-2018	GAURAV KUMAR V/S STATE OF HRY. AND ORS
89	CWP-948-2018	SATISH V/S STATE OF HRY. AND ORS
90	CWP-1008-2018	ASHISH KHOKHAR V/S STATE OF HRY. & ORS
91	CWP-2278-2018	RANJEET SINGH V/S STATE OF HRY. AND ORS
92	CWP-29387-2017	RAMESH KUMAR AND ORS V/S STATE OF HRY. AND ORS
93	CWP-28607-2017	GAJENDRA SINGH YADAV V/S STATE OF HRY. & ORS

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Sr. No.	Case number	Parties Name
94	CWP-3059-2018	NARESH AND ANR. V/S STATE OF HRY. AND ORS
95	CWP-24705-2018	RANDHIR SINGH V/S STATE OF HRY. AND ORS
96	CWP-24710-2018	CHANDER BHAN V/S STATE OF HRY. AND ORS
97	CWP-14088-2018	JITENDEER AND ORS V/S STATE OF HRY. AND ORS

04.12.2018

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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No