

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 08.03.2018****CWP No.5552 of 2018**

Mohd. Irshad

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Mazlish Khan, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

When this matter came up on 07.03.2018, the following interim order was passed:

“Mrs. Goyal to seek instructions with regard to the award of marks for experience earned as Pharmacist under the Health Department. See Page 60 of the paper-book, where two marks have been awarded for experience.

To be taken up on 08.03.2018 at 10.00 a.m.”

Today, when the matter is taken up for hearing, Ms. Goyal fairly concedes that there has been a mistake in awarding only two marks to the petitioner for experience while it should have been 14 marks. The Commission has rectified its mistake. Earlier the petitioner has been awarded 110 marks against the cut off marks standing at 119. With the rectification, the petitioner would secure 122 marks and he would make the cut with his name in the select list of successful candidates to be recommended for appointment.

This episode exposes the shoddy work of the Commission. It raises doubt about its credibility and builds anxiety in the mind of the competing public which flows from such a mistake and there is every possibility of mistakes like this creeping in the results of all categories of posts. But for this litigation merit would have been destroyed. The result of selection lists of posts in direct recruitment should not be made dependent on Court orders or negligence of the officials of the Commission. The Commission is directed to hold an enquiry against the erring official/officer who committed this mistake and suitably punish him and place the findings on the record of this case within four months from today.

Consequently, the instant petition is allowed. The Commission will forward the name of the petitioner to the Government for appointment. Since the petitioner has been put to considerable expense in litigation etc., the Commission shall pay exemplary costs of ₹50,000/- to the petitioner within a period of one month from today. The costs shall be recovered by the Commission from the erring official/s and officer/s who are found responsible for the culpable mistake.

08.03.2018

Vimal

**[RAJIV NARAIN RAINA]
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No