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

**COCP No.587 of 2019
Date of Decision: 17.10.2019**

Vishal Gupta

Petitioner

Versus

Parth Gupta, Secretary, Haryana Staff Selection Commission,
Panchkula

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Advocate
for the respondent.

AVNEESH JHINGAN, J (Oral):

The petitioner participated in selection process for the post of Post Graduate Teacher (English). He appeared for interview on 11.12.2018 but could not produce Experience Certificate of 8 years as the District Education Officer sanctioned the same subsequently. He moved a representation on 14.12.2018 for considering the Experience Certificate. Thereafter, a writ petition bearing CWP No.38105 of 2018 was filed. Learned counsel for the State, on asking of the Court, accepted the notice and petition was disposed of with the direction to the Haryana Staff Selection Commission [HSSC] to consider the representation for awarding

marks for 8 years' experience, in accordance with law, well before the declaration of result. The contempt petition has been filed pleading that needful has not been done.

Pursuant to notice of motion, reply by way of affidavit of Ms. Isha Kamboj, HCS, Secretary, Haryana Staff Selection Commission filed today in the Court, same is taken on record. Copy of reply is handed over to learned counsel for the petitioner. Alongwith the reply, order dated 28.03.2019 is annexed whereby representation of the petitioner has been considered and rejected. Communication to this effect was sent to the petitioner. At this juncture, this Court has been apprised that petitioner has filed a writ petition challenging order dated 28.03.2019.

Learned counsel for the petitioner states that directions of this Court have been intentionally violated by the respondent as the result was declared before deciding the representation.

Learned counsel for the respondent submits that order in the writ petition was passed on 21.12.2018 (Friday) and result was declared on 23.12.2018 (Sunday), the HSSC was not aware of the order passed as order was not communicated. He further states that claim of the petitioner has been rejected and has no bearing on the result declared. An unconditional apology is tendered for the lapse. He submits that as there were various writ petitions pending in the Court, hence, a clause keeping some posts vacant has been mentioned in the result.

Relevant Clause-2 of the reply is reproduced as follows:-

“2. In view of above mentioned CWPs pending in the Hon'ble Punjab and Haryana High Court relating to the post of PGT English (Rest of Haryana), 05 General, 02 SC, 01 BCA, 02 BCB, 02 EBPGC and 03 ESM category posts have been kept vacant”.

Though technically there is violation of directions of this Court but in view of explanation put forth by the respondent, no case is made out for proceeding further under the Contempt of Courts Act, 1971.

The contempt petition is dismissed.

Rule issued against the respondent stands discharged.

[AVNEESH JHINGAN]
JUDGE

October 17, 2019

pankaj baweja

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No