

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

CWP No. 20593-2018

Date of decision : 10.01.2019

Sandeep Kumar

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Petitioner is seeking quashing of action of respondents not to consider the claim of the petitioner for selection and appointment against the category of BC-A and further prayer of the petitioner is for issuance of direction to the respondents to consider his claim for selection and appointment as MultiPurpose Health Worker (Male) against the post reserved for BC-A category.

Pursuant to advertisement dated 19.06.2015 (Annexure P-1), the petitioner applied for the post of Multi Health Workers (Male) under BC-A category, sub category i.e Sports Category and the result was declared on 05.08.2018 (Annexure P-6) and the last candidate of BC-A category scored secured 102 marks which including the marks of interview. However, the petitioner secured 104 marks in the written examination only but despite this he was not called for interview.

This Court vide order dated 18.08.2018 directed the respondents to produce the result of the petitioner in a sealed cover.

Today, learned State counsel has produced the result of the petitioner in a sealed cover, which has been opened by Reader of this Court. As per result, the petitioner has secured 104 marks in written examination and 19 in viva voice (total 123 marks).

Learned State counsel has argued that the candidature of the petitioner was rightly rejected as he does not fulfill the eligibility of sport category because he has not attached the gradation certificate.

This argument is liable to be rejected, as the petitioner belongs to BC-A category, which is not in dispute and thus, even if the petitioner did not have the gradation certificate required for sports category, he should have been considered under BC-A category. As per final result, the last candidate who has been selected under BC-A category secured 102 marks whereas the petitioner secured 123 marks.

In view of the above factual position, this petition is being allowed and a direction is issued to respondent No. 3 to recommend the name of the petitioner for appointment to the post of Multi Health Workers (Male) under BC-A category , within a period of two weeks and thereafter, respondent No. 2 shall issue appointment letter in the next two weeks to the petitioner. The appointment will be given to the petitioner notionally from the date the candidates have joined under BC-A category and salary will be given to the petitioner from the actual date of joining.

The result of the petitioner brought in the Court today in a sealed cover, has been given back to learned State counsel.

10.01.2019
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No