

CWP Nos.21314 & 16063 of 2019 (O&M)

127

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

Date of decision : 07.08.2019

1. CWP-21314-2019 (O&M)

Monika

... Petitioner

Versus

State of Haryana and another

... Respondents

2. CWP-16063-2019 (O&M)

Anmol Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Monika and Mr. Anmol Singh, petitioners in person.

AMIT RAWAL, J. (ORAL)

CM-11395-2019 IN CWP-16063-2019

This is an application for preponement of the date of hearing from 16.12.2019 to any early date.

For the reasons stated in the application, which is supported by an affidavit, the same is allowed and the hearing of the writ petition is preponed to be taken up today, itself.

MAIN CASES

This order of mine shall dispose of two writ petitions bearing

CWP Nos.21314 & 16063 of 2019 (O&M)

CWP No.21314 of 2019 titled as **“Monika V/s State of Haryana and another”** and **CWP No.16063 of 2019** titled as **“Anmol Singh V/s State of Haryana and others”**, as, according to petitioner(s), the issues involved in both writ petitions are identical. However, the facts are taken from CWP No.21314 of 2019.

Prayer in the present writ petition is for issuance of a writ in the nature of *certiorari* quashing result dated 21.05.2019 (Annexure P-5) pertaining to list of selected candidates belonging to Eligible Sports Person Category (ESP) and further a writ of *mandamus* directing the respondents for re-computation of result based on eligibility under ESP Category.

It is submitted that respondent-Haryana Public Service Commission caused an advertisement No.3/2018-19 dated 02.08.2018, inviting the applications for filling up Group A & B posts i.e. HCS (Ex. Branch) and other allied services, wherein 2 (two) posts of HCS (Ex. Branch) and 3 (three) posts of other allied services were reserved for ESP Category. Petitioners, having Grade 'A' Certificate and requisite qualification, applied for the said posts and participated in Preliminary Exam, held on 31.03.2019. They further submitted that as per result dated 21.05.2019 (Annexure P-5), many candidates, who sat in preliminary examination and having Grade 'B' and 'C' Certificates, have also been considered eligible. Information received under Right to Information Act, 2005 (Annexure P-6, Colly), reveals that candidates, who had been issued Grade 'A' Certificate, as per new policy dated 25.05.2018, are only 13 (thirteen) in number, whereas result reveals more than that and therefore, action of the respondent-HPSC in preparation of the result, is wholly illegal and fallacious.

CWP Nos.21314 & 16063 of 2019 (O&M)

It was next contended that the respondent-HPSC, on its portal, announced date of main examination for the aforesaid posts, to be held from 16.08.2019 onwards.

I have heard petitioners, appraised paper book and of view that there is no force and merit.

It is not in dispute that advertisement pertained to not only HCS (Ex. Branch), but as well as other allied services i.e. Group B posts. Two posts of Group 'A' i.e. HCS (Ex. Branch) and three posts of Group 'B' i.e. other allied services, were reserved for ESP Category.

Apprehension of the petitioners for calling 60 candidates (twelve times of the vacancies advertised) against 13 candidates, having Grade 'A' Certificate, as per information received under RTI Act, is far fetched, as, result for the posts of HCS (Ex. Branch) as well as other allied services i.e. Group A and B posts, is combined. 60 (sixty) candidates have been found eligible to sit in the main examination keeping in view number of total posts. Be that as it may, the contention that only 13 candidates, have been issued Grade 'A' certificates, as per information (Annexure P-6), whereas number of candidates called for main examination are 60 (sixty) in number, is wholly preposterous, for, the writ petitions are bereft of the particulars nor it is decipherable as to how and under what manner, calculation in preparation of the result has been done. Since preliminary examination for the aforesaid posts is combined, result shall also be combined.

Keeping in view the aforementioned facts, I do not find any illegality or repugnancy in the action of the respondent(s). Prayer of the petitioner(s) do not call for judicial intervention of this Court under Article

226/227 of the Constitution of India. The writ petitions are devoid of merit and accordingly, are dismissed.

07.08.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/ No
Yes/ No