

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

**CWP No.23363 of 2018
Date of decision:29.10.2019**

Anil Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Sandeep Saini, Advocate for
Mr. Rajesh Sheoran, Advocate
for respondents no.2 and 3.

Mr. Harish Nain, AAG, Haryana.

AMIT RAWAL J.

Grievance of petitioner in present case is for not considering his candidature for appointment as Assistant Sanitary Inspector in SC Category.

Respondent no.2 caused an advertisement in the newspaper dated 01.08.2017 calling upon the candidates for the different posts for walk-in-interview to be held on 09.08.2017. The petitioner being fully eligible applied for the same as he had completed matriculation with 56% marks and 49% marks in Senior Secondary Examination. He also completed Certificate Course in Physical Education in the year 2008. Besides this, petitioner has also completed Vocational Training as Welder (Gas and Electric) from Government Vocational Training Institute/ITI, Yamunanagar.

In 2011, he completed two years Diploma in Health and Sanitary Inspector from National Industrial Training Centre, Nasirpur, Ambala City by securing 153 marks out of 200. After the process of interview was over, respondent declared the result on the same day and selected four candidates for all the posts belonging to General Category. The petitioner was hopeful of being selected but his name was kept in waiting list. He submitted an application on 09.04.2018 under Right to Information Act and found that all the candidates, lower in merit, have been selected, even did not possess the requisite qualification from the Government affiliated University/Institutions. In this regard, submitted a detailed representation dated 15.05.2018 (Annexure P-6).

In response to notice of motion, respondents no.2 and 3 through Mr. Sandeep Saini, Advocate for Mr. Rajesh Sheoran, Advocate raised objection qua maintainability of writ petition and as well as concealment of fact on the premise that there was inadvertence in the advertisement by showing three posts for General Category and one post for SC Category. In fact, all posts were for General Category, in other words, no General Category candidate was selected against SC Category post as alleged in writ petition. Assertion of other selected candidates being lower in merit has emphatically been denied.

I have heard learned counsel for parties, appraised the paper book and of view that there is no merit and force in the submissions of Mr.Chauhan. The petitioner has not been able to place on record the substantial material to reflect that selected candidates were having lower

merit than the petitioner in the absence of rejoinder, particularly when mistake was rectified by the respondents as all the posts were filled up belonging to General Category. Petitioner's case could not have been considered as he belongs to SC Category. Information received under Right to Information Act disclosed that no person from SC Category was appointed as Assistant Sanitary Inspector and the diplomas of Bittu Singh and Pradeep Singh Dahiya were also disclosed but the same have not been placed on record to establish lackness in merit of the selected candidates. The reasons assigned by the respondents in not appointing the petitioner cannot be faulted with.

Dismissed.

(AMIT RAWAL)
JUDGE

October 29, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No