

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.22652 of 2019 (O&M)

Date of Decision.27.08.2019

Pardeep Kumar

...Petitioner

Vs

State of Haryana and others

...Respondents

Present: Mr. Ajay Kamboj, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Challenge in writ petition is to the order dated 09.08.2019 (Annexure P-8) whereby services of the petitioner as Junior Engineer (Mechanical) in the office of Sub Divisional Engineer, Haryana P.W.(B&R) Department, Mechanical Sub Division, Sirsa has been terminated.

In pursuance to advertisement dated 27.06.2015, Haryana Staff Selection Commission caused advertisement for filling up various posts including category No.6 i.e. 27 posts of Junior Engineer (Mechanical), petitioner belonging to Physically Handicapped SC Category applied for the same. Petitioner appeared in the written examination and obtained total 125 marks i.e. in written examination and *viva voce*. Accordingly, appointment letter (Annexure P-3) was issued to petitioner, though it referred appointment to be subject to pendency of various writ petitions.

Learned counsel for petitioner submitted that in pursuance of order dated 15.10.2018 (Annexure P-6) passed in CWP No.3269 of 2017 titled as '*Naveen Vs. Haryana Staff Selection Commission and another*' and as well as contempt thereof, petitioner has been given a way for aforesaid person i.e. Naveen, as he could not participate in scrutiny of documents

owing to the fact that he was admitted in Government Hospital, Rajgarh (Rajasthan) in serious condition. This Court had granted permission to avail chance of scrutiny and as per written examination and *viva voce*, he had obtained 129 marks under the Physically Handicapped SC Category against the petitioner, who obtained 125 marks but there is no fault of the petitioner as appointment was not stayed and he has already served for 2 ½ years.

I am afraid aforementioned argument cannot be sustained, as the Department has applied principle of 'last come first go', for, filling up various posts through selection is object of having transparency. For one reason or the other, Court had intervened and granted concession of scrutiny of documents to Naveen, who had obtained more marks than petitioner. He has to be given a way out. The order dated 15.10.2018 (Annexure P-6) has attained finality.

In view of such circumstances, I do not find any perversity in the impugned order (Annexure P-8). No ground for interference is made out.

Dismissed.

(AMIT RAWAL)
JUDGE

August 27, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No