

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3884 of 2019 (O&M)

Date of Decision: 06.03.2020

Abhimanyu Sangwan

... Petitioner

VS.

Haryana Staff Selection Commission

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Abhilaksh Grover, Advocate for
Mr. Deepak Sonak, Advocate for the petitioner

Ms. Safia Gupta, AAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

CM-1227-CWP-2020

Application for placing on record the replication filed by the petitioner is allowed. The same is taken on record.

Registry to tag the said documents at an appropriate place and paginate the paper book accordingly.

CM stands disposed of.

Main case (O&M)

(1) The petitioner – Abhimanyu Sangwan has filed the present writ petition *inter alia*, with a prayer to direct the respondents to consider his candidature for selection to the post of Sub Inspector (Male), as advertised vide advertisement dated 16.4.2018 under DESM General category.

(2) Notice of motion in this case was issued on 15.03.2019.

(3) Short reply has been filed by Sh. Rajeev Dudeja, Secretary (Legal), Haryana Staff Selection Commission.

(4) The petitioner had filed CM-14054-2019 in which notice was issued on 30.09.2019.

(5) At this stage, learned counsel makes reference to Annexure A4 which is an information received by the petitioner under the RTI and in this it has been observed that till date 25 candidates (ESM/DESM) have joined out of 26. By making reference to the same, the petitioner requests that in para 5 of the above-stated application, there is a typographical mistake *qua* the figure of '26' which should be read as '25'. The prayer to make correction in the paper under the initials of the counsel is accepted.

(6) In this application in para 5, it has been submitted as under:-

“That it is also relevant to mention here that total 28 posts were advertised by the respondent two of which have been reserved by the orders passed by this Hon’ble Court in two writ petitions i.e. CWP No.3405 of 2019 and CWP No.3452 of 2019 and on the rest 26 posts, selection of 25 candidates have been made till date but one candidate among them has not given his joining till date from last six months, which shows that he is not interested to join. Therefore, one post is still lying vacant and that post may kindly be kept reserved for the applicant/petitioner during the pendency of the above mentioned civil writ petition. Copy of the information received under the RTI i.e. List of candidates joined is annexed herewith as Annexure A-4.”

(7) At this stage, learned counsel submits that the petitioner would be satisfied if a time bound direction is given to the respondent to examine the aforementioned request of the petitioner.

(8) In view of the peculiar circumstances as submitted on behalf of the petitioner that the petitioner has reached the age when he is left only with last attempt, this Court deems it appropriate to direct respondent to decide the claim of the petitioner against one post which has fallen vacant. It is the positive case of the petitioner that selection of 25 candidates has been made

further the case of the petitioner that the said candidate is not interested to join and therefore the candidature of the petitioner against one post which is still lying vacant, be considered.

(9) This Court *prima facie* finds merit in the submission of counsel for the petitioner.

(10) The present writ petition is therefore disposed of with a direction to respondent to consider the case of the petitioner against one post which is lying vacant within one month from the date of receipt of certified copy of this order.

(11) So ordered.

06.03.2020

Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No