

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7685-2020(O&M)

Date of decision: 15.6.2020

Seema Devi

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.S.S.Nara, Advocate for the petitioner
Ms. Shruti Jain, DAG, Haryana

ANIL KSHETARPAL, J. (ORAL)

The petitioner has filed the present writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to scrutinize the documents of the petitioner and she be interviewed for the post of Staff Nurse.

At the outset, it must be noticed that the interviews for the post of Staff Nurse slated to be held in the month of June, 2020, have already been postponed. The petitioner applied for the post of Staff Nurse against advertisement No.01/2015 under SBC category. The petitioner was declared successful in the written examination. As per announcement (Annexure P-3) the petitioner was to appear before the committee for scrutiny of her documents on 24.2.2020 and 25.2.2020. On those dates, even the candidates who were absent for scrutiny of documents on various dates in the year 2019 were also given another opportunity to appear for scrutiny of the documents.

The petitioner claims that she could not appear before the committee for scrutiny of documents as she was admitted in hospital. She

claims that on parity she is also entitled to another opportunity.

Learned State counsel has informed the Court that many similar writ petitions have been disposed of by this Court by directing respondent no.2-Commission to consider the representation of the similarly situated persons. Order dated 5.6.2020 passed in one such similar petition i.e CWP-7617-2020 is extracted as under:-

“This petition has been taken for hearing through video conference due to Covid-19 pandemic.

On the last date of hearing, the following order was passed by this Court: -

“Learned counsel for the petitioner argues that the benefit of rescrutiny of the documents by recalling the candidates has been offered to the four candidates vide order dated 21.05.2020 (Annexrue P/5), but, the said benefit is being denied to the petitioner, which amounts to discrimination. Prayer of the petitioner is that during the earlier scrutiny, he could not appear due to ill health and, therefore, now once the four candidates have been recalled for the scrutiny of the documents, the petitioner be also given chance and be recalled for the scrutiny of his documents as well.

Notice of motion for 05.06.2020.

Ms. Shruti Jain, Deputy Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view service of advance copy of the petition, accepts notice on behalf of respondent- HSSC. She prays for short adjournment so as to seek instructions with regard to the claim made by the petitioner in the present writ petition.”

Learned counsel appearing on behalf of the

respondent states that vide subsequent notice dated 02.06.2020, notice dated 21.05.2020 (Annexure P-5), which is being relied upon by the petitioner alleging discrimination, has been withdrawn till further orders.

This *prima facie* satisfy the grievance of the petitioner at this stage.

Learned Senior counsel appearing on behalf of the petitioner submits that a direction be issued to the respondent that in case any candidate is recalled for scrutiny of the documents, then, the claim of the petitioner be also considered as to whether he is entitled for the said benefit of scrutiny of documents or not. Learned Senior counsel further submits that the petitioner has already submitted a representation dated 18.02.2020 (Annexure P-4) to the respondent that it was only due to his ill health, he could not participate in the scrutiny process and therefore, as the selection process has not been completed so far, the respondent be directed to pass an appropriate order on the said representation in a time bound manner deciding the claim of the petitioner.

Learned counsel for the respondent very fairly submits that respondent-Commission will pass an appropriate order within a period of three weeks from today on the representation dated 18.02.2020 (Annexure P-4) submitted by the petitioner and the decision so

taken on the said representation will be conveyed to the petitioner for his information.

Learned Senior counsel for the petitioner submits that no further grievance of the petitioner subsists in the present writ petition and he does not want to press this petition any further and the same may be disposed of as having not pressed.

Ordered accordingly.

It is made clear that the above undertaking given by the learned State counsel for deciding the representation dated 18.02.2020 (Annexure P-4), will be complied with by the respondent in its letter and spirit.”

Keeping in view the aforesaid facts, the present petition is disposed of in the aforesaid similar terms.

Disposed of.

15.06.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No