

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

CWP No. 10208 of 2020
Date of decision: 29.09.2020

224

Rahul

....Petitioner(s)

Versus

Haryana Public Service Commission

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Anurag Goyal, Advocate,
for the petitioner.

Mr. Arjun Partap Atma Ram, Advocate,
for the respondent.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The present writ petition has been filed under Articles 226 and 227 of the Constitution of India praying for issuance of a writ in the nature of certiorari for quashing the impugned order of rejection dated 08.07.2020 (Annexure P-11) for the post of Assistant Labour Commissioner and the announcement dated 08.07.2020 (Annexure P-13) rejecting his candidature without considering the representation dated 10.07.2020 (Annexure P-12) and for quashing the impugned announcement dated 13.07.2020 (Annexure P-16) vis-a-vis the post of Assistant Labour Commissioner vis-a-vis BC-A category denying interview to the petitioner for the post in question.

On 20.07.2020, the following order was passed:-

“Inter alia contends that the petitioner was an applicant for the post of Assistant Labour Commissioner BC-A, for which, there were two seats and the essential qualification was Law Graduate with Labour Laws from a recognized University or

Institution (Annexure P-2). Petitioner qualified for the result against roll No.50241 (Annexure P-4). However an objection was raised on 08.07.2020 (Annexure P-11) that he did not possess the requisite qualification. It is pointed out that the petitioner had Industrial Laws as a subject in the 5th semester (Annexure P-6) and resultantly an affidavit was also submitted with the respondents that Industrial Laws comprised various statutes including Industrial Disputes Act, 1947, apart from other related statutes pertaining to Labour Laws. It is submitted that now vide notice dated 13.07.2020 (Annexure P-16), interview is fixed for 21.07.2020 and the petitioner's roll number does not figure in the BC-A category.

Notice of motion for 25.08.2020.

State Counsel accepts notice on behalf of the State and prays for time to file reply.

In the meantime, petitioner shall be provisionally interviewed. However his result shall not be declared till further orders.”

Written statement on behalf of the respondent-Commission has been filed today wherein, the plea taken is that the detailed marks card of the 4th semester LLB examination would go on to show that the petitioner had passed the subject of Industrial Laws alongwith Labour Laws. Thus, the petitioner was eligible for selection to the post of Assistant Labour Commissioner, Class II, Labour Department.

Thus, it is apparent that the Commission has realized its mistake and conceded that the petitioner is eligible.

Resultantly, the writ petition is allowed and the orders dated 08.07.2020 (Annexures P-11 and P-13) rejecting the case of the petitioner are quashed.

Accordingly, in view of the interim direction dated 20.07.2020 passed by this Court, the Commission shall declare the result of the petitioner within a period of two weeks from the date of receipt of certified copy of the order and take further action accordingly.

29.09.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No