

CWP-11693-2019

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

252 (A)

CWP-11693-2019

Date of decision : 5th January, 2020

SUKHJEET SINGH

.....Petitioner(s)

Versus

THE STATE OF HARYANA AND OTHERS

...Respondent(s)

CWP-10475-2019

SONU KUMAR

.....Petitioner(s)

Versus

THE STATE OF HARYANA AND ANOTHER

...Respondent(s)

CWP-11872-2019

SANDEEP

.....Petitioner(s)

Versus

THE STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present: Mr. Balwinder Singh, Advocate
for the petitioner in CWP-11693-2019.

Mr. Samrat Malik, Advocate
for the petitioner in CWP-10475-2019.

Mr. Surender Pal, Advocate
for the petitioner in CWP-11872-2019.

Ms. Palika Monga, DAG, Haryana
for the respondent-State.

GIRISH AGNIHOTRI , J (ORAL)

These three writ petition(s) bearing Nos. CWP-11693-2019, CWP-10475-2019 and CWP-11872-2019 are disposed of with the common order as in all the petitions the issue involved are similar and identical in nature. However, the facts are extracted from CWP-11693-2019.

The present writ petition has been filed by the petitioner-Sukhjit Singh inter alia, praying for issuance of a writ of mandamus directing the official respondent(s) to issue an appointment letter to the petitioner(s) who has secured 54.80 marks i.e., the marks more than the last selected candidate.

Learned counsel for the petitioner in CWP-11693-2019 submits that last selected candidate has secured 51 marks and thus petitioner who has passed all the tests had the right for issuance of formal appointment letters.

Notice of motion in this case was issued on 06.05.2019. This Court passed the order dated 06.05.2019 which reads as under;

“ The petitioner has participated for the post of Constable (Male) under the SC category. As per the final merit list (Annexure P-3), the last selected candidate under the SC category has secured 54.40 marks. As per the individual marks displayed on the website (Annexure P-4), the petitioner has secured 40.80 marks in the written examination, 10 marks for socioeconomic criteria and 4 marks for qualification. Total marks are 54.80. The petitioner has got higher marks than the last selected candidate under the SC category. However, his name is not reflected in the final merit list. The petitioner had

disclosed the fact that one FIR has been registered against him in the application form. However no serious role has been attributed to him with respect to offence under Section 307 and this aspect has been considered while granting him bail on 18.01.2018. Learned counsel for the petitioner further states that there is no other criminal case is pending against the petitioner.

Notice of motion for 05.11.2019.”

Reply dated 31.10.2019 in CWP-11693-2019 has been filed on behalf of the respondent No(s). 1 and 2 Surinder Pal Singh, IPS, Commandant, 5th Battalion Haryana Armed Police, Madhuban.

Learned counsel for the petitioner has brought to the notice of this Court, that vide order dated 31.01.2020 the Court had observed that there is nothing on record to show that in the case registered against the petitioner, any injuries as attributed to the injured is dangerous to life which attracts the ingredients of Section 307 IPC.

This Court is of the view that the competent authority has yet to take the decision on the issuance of formal appointment letters to the petitioner(s).

This Court in view of the reasons recorded herein under, deems it appropriate to dispose of the writ petition(s). From the facts/documents on record, it is evident that the competent authority has not passed any order in writing on the claim of the petitioner(s) for issuance of formal appointment letter(s). It is also not disputed in the written statement, that petitioner's case was not considered for appointment(s).

The writ petition(s) are accordingly disposed of with the following directions.

(i) the respondents are directed to consider the case of the petitioner(s) for appointment and pass appropriate orders, in accordance with law.

(ii) in case the petitioner(s) are found eligible and entitled for appointment, the formal orders of appointment be passed within a period of one month from the date of receipt of certified copy of the order.

Writ petition(s) are disposed of accordingly.

05.03.2020
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(GIRISH AGNIHOTRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No