

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

**CWP No.14940 of 2020 (O&M)
Date of Decision.21.09.2020
(Heard through VC)**

Sushil

...Petitioner

Vs

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajat Mor, Advocate
for the petitioner.

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JAISHREE THAKUR J. (ORAL)

This is a writ petition that has been filed seeking an appropriate writ in the nature of mandamus directing the respondents to grant him three marks for higher qualification i.e. Post Graduation M.Sc. (Computer Science) and offer him appointment as Male Constable in the General Category.

The petitioner herein had applied online for appointment to the post of Male Constable and thereafter participated in the selection process. Post the written test as well as physical screening test and physical measurement test, the petitioner was called for scrutiny of documents scheduled to be held at Tau Devi Lal Stadium on 14.02.2019 and 16.02.2019. The petitioner appeared for scrutiny of documents on 16.02.2019 along with necessary documents. He had also brought detailed mark-sheet of his Post Graduation, however, despite having brought the detailed mark-sheet, he was not given appointment as three additional marks he would have been entitled to, were not allocated to him.

Learned counsel for the petitioner would contend that similar

matter came up for hearing in this Court in CWP No.3841 of 2019 titled as 'Rahul Kumar Vs. State of Haryana and another' decided on 21.02.2019 wherein following directions were given:-

“...in case the result of the petitioner has been announced before the cut off date i.e. 25.10.2018, the Commission shall give him marks of his graduation, as per criteria laid down in the advertisement dated 16.04.2018 for the post of Male Constable.’

Counsel for the petitioner would further contend that as per his instructions approximately 400 posts of Constables are still lying vacant and therefore, he would be eligible for appointment if three marks are awarded to him.

Notice of motion.

On the asking of Court, Mr. S.S. Pannu, DAG, Haryana, who is present through the medium of video conferencing accepts notice for the respondents and would submit that he has no instructions regarding any post lying vacant as on date. However, he is not in a position to dispute the judgment that has been rendered by this Court in CWP No.3841 of 2019.

I have heard learned counsel for the parties, have perused the paper book and the judgment referred to above by the counsel appearing for the petitioner.

The petitioner herein had obtained a detailed mark-sheet of his Post Graduation done in Computer Science on 25.07.2018, which was before the cut off date, as the last date for submission of online application was 28.05.2018, which had subsequently been extended by a public notice to 25.10.2018.

Be that as it may, in view of the factual position herein, the instant writ petition is disposed of giving similar directions as this Court has already issued in CWP No.3841 of 2019. In case posts of Male Constable are still lying vacant, the Commission is directed to take into consideration detailed mark-sheet of the petitioner and if found in order, allocate him necessary marks for his Post Graduation as per the criteria laid down in the advertisement dated 16.04.2018. Needless to say in case all documents are found in order and there is merit in the contention raised by the petitioner, appointment letter be issued to him. However, in case the petitioner is not found eligible and his case is to be rejected, let a speaking order be passed in that regard. Let this whole exercise be completed within a period of six weeks from the date of receipt of certified copy of this order.

(JAISHREE THAKUR)
JUDGE

September 21, 2020
Pankaj*

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