

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CWP-22468-2015 (O&M)
Date of decision: 07.01.2020

Sanjay Kumar

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: None for the petitioner.

Ms. Palika Monga, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The present petition has been filed by the petitioner-Sanjay Kumar *inter alia* praying for the quashing of orders dated 03.01.2013 (Annexures P-3, P-4 & P-5).

It has been alleged that there are irregularities in the selection in as much as respondents No.5 to 7 have been selected despite respondent No.5 being physically handicapped and respondents No.6 & 7 having not appeared in the written test.

Notice of motion was issued on 19.10.2015.

Written statement dated 26.05.2016 through Shri Navdeep Singh Virk, IPS was filed by the respondents No.1 to 4. In Para-4 of the written statement, a specific stand has been taken, which is reproduced hereunder:-

“That in reply to para no.4 of the present petition it is submitted that the petitioner had given the typing test and

secured 20.5 marks in English Typing and 17.7 marks in Hindi Typing whereas respondent No.6 Lady Constable Poonam and respondent No.7 Constable Naveen appeared in the typing test and passed the same as well as written test on the same day. It is denied that respondents No.6 & 7 were not in the list of candidates who appeared in written test on 23.12.2012 for Executive Clerical cadre. It is further submitted that the names of two persons Constable Naveen Kumar and Lady Constable Poonam could not be mentioned in the list of qualified candidates due to inadvertence though they appeared in the typing test as well as the written test and duly qualified the same.”

In Para-8 of the written statement, a specific stand has been taken that respondent No.5 was not handicapped at the time of typing test. It is therefore submitted that the selection is legal, lawful and justified. Still further, in preliminary submission No.2, it has also been brought to the notice of this Court that the petitioner has also been approved in the Executive Clerical Cadre in the year 2014.

On 11.01.2018, this Court had recorded as under:-

“None had caused appearance on behalf of the petitioner even on the previous date of hearing. The position is not any different even today as arguing counsel for the petitioner is stated to be unavailable. Though there is hardly any justification to defer the proceedings but in the interest of justice, the matter is adjourned to 07.05.2015. It is made clear that no further adjournment shall be granted.”

In view of the stand taken by the State, this Court is of the view that substantive plea so taken in the petition stand answered. It has also

not been disputed that the petitioner has not filed any counter to the said reply filed by the State.

The present petition is disposed of as no further orders are called for.

(GIRISH AGNIHOTRI)
JUDGE

07.01.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No