

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

**CWP No. 19403 of 2020**  
**Date of decision: 21.12.2020**

**214**

Rajesh

....Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

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

Present: Mr. Mazlish Khan, Advocate,  
for the petitioner.

Mr. Shivendra Swaroop, AAG, Haryana.

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

**G.S.SANDHAWALIA, J. (Oral)**

The petitioner challenges the order dated 28.09.2020 (Annexure P-11) wherein, his case for appointment for the post of clerk was rejected on the ground that he has secured 62 marks, which is lesser than the marks secured by the last candidate in his category i.e. Scheduled Caste category, who had secured 63 marks. Resultantly, the Secretary of the Commission has come to the conclusion that since he had secured less marks than the cut off marks, therefore, he has rightly not been considered for the post in question.

On 16.11.2020, the following order was passed:-

*“Only argument that the petitioner can raise is that a representation dated 07.09.2020 was filed (Annexure P-9) that the petitioner had got 63 marks for the post of Clerk and the cut off for the Scheduled Caste category, in which he had applied, was the same. It is his submission that in pursuance of the directions*

*issued by this Court in CWP No. 14319 of 2020 (Annexure P-10), the impugned order dated 28.09.2020 (Annexure P-11) has been passed whereby, it has been held that as per the record, he had secured 62 marks. Counsel, thus, submits that his client would be satisfied if the answer sheets are produced for perusal of this Court.*

*Notice of motion.*

*Mr. RKS Brar, Addl. A.G., Haryana, accepts notice on behalf of the respondents and prays for time.*

*Adjourned to 18.12.2020.*

*Let the OMR/answer sheet and the relevant record be produced for perusal of this Court.*

In pursuance of the said order, the result had been received and had been opened. A perusal of the same would go on to show that the petitioner has secured 62 marks only, as has been held by the Secretary of the Commission. Thus, he has been rightly not considered for appointment.

Accordingly, there is no merit in the present writ petition and the same is dismissed. However, the Commission would supply photocopy of the OMR/answer sheet to the petitioner within a period of 4 weeks from the date of receipt of certified copy of the order so that he can satisfy himself regarding his performance.

21.12.2020  
shivani

(G.S. SANDHAWALIA)  
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No