

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

**Date of Decision: 18.02.2020
CWP No.26185 of 2017 (O&M)**

1.

Takdir and another

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

2.

CWP No.29369 of 2017 (O&M)

Ashok Kumar

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Y.P. Malik, Advocate,
for the petitioners (in CWP No.26185 of 2017).

Mr. Ravinder Kumar, Advocate,
for the petitioner (in CWP No.29369 of 2017).

Ms. Shruti Jain, AAG, Haryana.

RITU BAHRI, J. (ORAL)

This order shall dispose of CWP No.26185 of 2017 and CWP No.29369 of 2017 together as common questions of law and facts are involved in both the petitions. For reference, facts are being taken from CWP No.26185 of 2017.

Pursuant to the advertisement dated 18.05.2017 (Annexure P-1), petitioner(s) have participated in the selection process for the post of Conductors. Thereafter, they appeared in the written test on 10.09.2017.

Now, the petitioners are seeking direction to the respondents to cancel the written test, which was conducted on 10.09.2017.

While issuing notice of motion on 16.01.2017, it was ordered that the result would be subject to final decision of this petition. Thereafter, an application (CM-17078-CWP-2018) was filed for staying the interviews to be conducted by the respondent-Commission between 20.11.2018 to 22.11.2018. On 01.12.2018, Mr. B.R. Mahajan, Advocate General, Haryana, had informed that CWP No.29369 of 2017 challenging the same selection process was pending in this Court on 15.01.2019, in which written statement had already been filed. In the written statement, it was clarified that only one FIR had been registered. As per allegation in the FIR, an attempt was being made by the accused persons to have access to the question paper and then pass it to the candidates.

Learned State counsel has informed that CWP No.29369 of 2017 challenging the same selection process has already been dismissed.

In response to the petition, reply on behalf of respondent No.3-Commission has been filed, taking a stand that there was no evidence to show that the question paper for the post of Conductor was leaked. The FIR had been lodged for planning/conspiring to get access to the question paper of Haryana Staff Selection Commission for selection of conductors and preparing a key for distributing amongst the candidates. It is nowhere mentioned that the question paper had been leaked. In the FIR, Haryana Staff Selection Commission is neither a complainant nor an investigating authority. The investigation was conducted by the Police Department. Further, no objection has been received from any candidate regarding leakage of question paper on the official E-mail of HSSC.

Final result for the post of Conductor has been declared on 02.12.2018. With respect to the result of petitioners, since the final result has already been declared, the respondent-Commission is bound to make appointment as per final selection list and the waiting list.

In view of the above, no ground for issuance of any direction is made out.

Both the petitions i.e. CWP No.26185 of 2017 and CWP No.29369 of 2017 stand disposed of accordingly. Petitioners can avail alternative remedy in accordance with law, if so advised.

(RITU BAHRI)
JUDGE

18.02.2020
ajp

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