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RA-CW-260-2020 (O&M)
KOMAL VS STATE OF HARYANA AND OTHERS

Present: Mr. Vishal Nehra, Advocate for the petitioner.

CM-13633-CWP-2020:

Allowed as prayed for.

Annexure A-1 annexed with the application is taken on record.

RA-CW-260-2020 (O&M):

It is submitted that vide public notice dated 12.10.2018, the applicants for various posts in the police department advertised vide Advertisement No.3/2018, were permitted to amend their applications on account of amendment in Rule 12.16 of the Police Rules, 1934. 'Sister' was deleted from the list of relatives, on account of whose employment in government service, an applicant was not entitled to grant of weightage. This notice was published much after the last date for making applications. The applicant-petitioner submitted an affidavit dated 14.02.2019 at the time of scrutiny of documents, mentioning that apart from her sister no other close relative was in government service. These facts could not be brought to the notice of the court at the time of passing of order dated 07.12.2020 and thus, the said order may be reviewed.

Notice of motion.

Mr. Narender S. Behgal, AAG, Haryana accepts notice on behalf of the non-applicant/respondents and waives service.

He submits that the facts being argued today had not been argued earlier and that the public notice dated 12.10.2018 is a new document which cannot be taken into consideration for the purposes of review of order dated 07.12.2020.

Learned State Counsel is correct when he submits that additional documents brought on record through review application should not be taken into

consideration for the purpose of review. However, I cannot lose sight of the fact that I am in equity jurisdiction. Additional document dated 12.10.2018 (Annexure A-1) with the review application shows that the list of relatives was amended and that a sister being in government employment did not bar a candidate from getting due weightage. Under such circumstances, the equity demands that the review-applicant be not penalized.

Thus, the order dated 07.12.2020 is reviewed.

CWP-6094-2019:

Learned State counsel submits that the matter is under consideration of a Committee and that due weightage would be given to the petitioner by the said Committee. The Committee is likely to make its decision within a period of four weeks.

Adjourned to 28.01.2021.

A copy of this order be communicated to the learned State counsel for onward transmission to the concerned Committee.

18 December, 2020
rajender

(SUDHIR MITTAL)
JUDGE