

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26350 of 2019
Date of Decision: 05.02.2020

Preetam Kumar

... Petitioner

VS.

Haryana Staff Selection Commission

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Rajat Mor, Advocate for the petitioner

Ms. Safia Gupta, AAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

(1) The present writ petition has been filed by Preetam Kumar *inter alia*, with a prayer to direct the respondents to grant him 4 marks for higher qualification i.e. B.Tech and offer him appointment as Constable (GD).

(2) On 17.09.2019, the notice of motion was issued and the same reads as under:-

“Inter alia alleges that petitioner as per advertisement (Annexure P-1) had applied for posts under two categories i.e. Category No.1 and 3. Vide Annexure P-7, in category No.1 petitioner has been awarded 53.8 marks but no marks have been awarded for his higher qualification whereas 4 marks have been awarded to him for higher qualification in category No.3. In case petitioner does not press his claim under category No.3 and 4 marks are awarded to him under category No.1, he will be able to make cut off marks, which is 57.6.

Notice of motion for 02.12.2019.

Mr. R.K. Doon, AAG, Haryana accepts notice for respondent and seeks time to file reply. Counsel for petitioner is directed to supply requisite number of copies of complete paper book to counsel appearing for respondent during course of day, if not supplied already.

Respondent is directed to bring application form and documents submitted along with on next adjourned date.”

(3) Today in pursuance to the directions, learned State counsel has produced the result of the petitioner which states “*Roll No. Final Result Sheet for the Post of Male Constable*”. This result has been given in two separate sheets *qua* the petitioner. In category No.1, the petitioner has been awarded ‘**0-marks**’ under the head ‘***Additional Qualification Marks - (Grd.marks)***’. In the other sheet, *qua* the petitioner, the marks under the head ‘***Additional Qualification Marks (Grd.marks)***’, out of 4, ‘**4-marks**’ have been given.

(4) The petitioner therefore contends that if these 4-marks which were not wrongly granted to the petitioner in category No.1, are granted to him, he would secure 57.80 marks whereas the last candidate who has been selected/appointed had secured 57.6 marks. He further orally submits that after the last date i.e. 15.09.2019 in the subsequent result, the last cut-off has further descended to 57 marks.

(5) In view of the above, this Court deems it appropriate to direct the competent authority i.e. the Secretary, Haryana Staff Selection Commission to either himself or appoint a senior responsible officer to examine the application; documents appended along with application form by the petitioner in both the categories at the time of scrutiny; and also examine the documents submitted by him at the time of scrutiny. After examination of the same if, in accordance with law, the petitioner is found entitled to be included in the select list, let the said recommendation be finalized within two weeks from the decision to be taken by the competent officer.

(6) Let this exercise i.e. to examine and pass an appropriate order by the competent authority, be undertaken within 3 weeks from the date of receipt of certified copy of this order. CWP disposed of.

(7) Ordered accordingly.

05.02.2020

Vvishal

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*

Yes/No

2. *Whether reportable?*

Yes/No