

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

L.P.A. No.1626 of 2019 in
Civil Writ Petition No.22652 of 2019
Reserved on : September 30, 2019
Date of decision: January 31, 2020

Pardeep Kumar

...Appellant

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Ajay Kamboj, Advocate
for the appellant.

HARINDER SINGH SIDHU, J.

1. This Letters Patent Appeal has been filed against the judgment dated 27.08.2019 in CWP No.22652 of 2019 titled 'Pardeep Kumar vs. State of Haryana and others', whereby, the writ petition filed by the appellant was dismissed.

2. In the writ petition, the appellant had challenged the order dated 09.08.2019 (Annexure P-8) whereby his services as Junior Engineer (Mechanical) in the office of Sub Divisional Engineer, Haryana P.W.(B&R) Department, Mechanical Sub Division, Sirsa had been terminated.

3. Haryana Staff Selection Commission had issued

advertisement dated 27.06.2015 for filling up various posts including 27 posts of Junior Engineer (Mechanical). Essential qualification for the post was: (i) Three year National Certificate (Theoretical) Course in Mechanical Engineering conducted by State Board or qualified the same from any other recognized institution, (ii) Hindi/Sanskrit upto matric Standard or higher education.

4. The appellant applied under the Physically Handicapped SC Category. Written exam and interview were conducted. The final result was declared on 26.02.2017(Annexure P-2). He obtained 125 marks. Appointment letter (Annexure P-3) was issued to him. The appointment letter specifically mentioned that the appointment was subject to various pending writ petitions.

5. Meanwhile, one Naveen filed CWP No.3269 of 2017 titled as 'Naveen Vs. Haryana Staff Selection Commission and another' contending that he had appeared in the written test for the post of Junior Engineer (Mechanical). After the declaration of result of the written examination the candidates had been called for scrutiny of documents on 02.02.2017 and 03.02.2017. He could not go for the scrutiny of documents as he was seriously ill and was admitted in Government Hospital Rajgarh (Rajasthan). Pursuant to the interim orders Naveen, the petitioner therein was considered for selection and appointment to the post. The final result was placed before the Court as per which he had secured total 129 marks. The Court noticed that candidate with Roll No. 600002400 under the Physically Handicapped Category (the appellant) had secured 125 marks.

Accordingly, the writ petition was allowed and the respondents were directed to issue him (Naveen) appointment letter.

6. In view of the directions in the aforesaid case the respondents issued show cause notice to the appellant and thereafter terminated his services vide order dated 09.08.2019 (P-8) which was impugned in the writ petition.

7. Before the Ld. Single Judge, it had been contended by Ld. Counsel for the appellant that there was no fault of the appellant and that he had served for about 2½ years.

8. Ld. Single Judge did not agree with that submission observing as under:

“I am afraid aforementioned argument cannot be sustained, as the Department has applied principle of 'last come first go', for, filling up various posts through selection is object of having transparency. For one reason or the other, Court had intervened and granted concession of scrutiny of documents to Naveen, who had obtained more marks than petitioner. He has to be given a way out. The order dated 15.10.2018 (Annexure P-6) has attained finality. In view of such circumstances, I do not find any perversity in the impugned order (Annexure P-8). There is no illegality or infirmity in the aforesaid order.”

9. We do not find any illegality in the order of the Ld. Single

Judge warranting interference. Though the appellant was not a party in the CWP No.3269 of 2017 filed by Naveen but in the result dated 26.02.2017 (Annexure P-2) a specific Note 2 was incorporated that the result shall be subject to the outcome of the CWP No.3686 of 2017, CWP No.3269 of 2017 and other. Thus, the result was made subject to CWP No.3269 of 2017 titled as 'Naveen Vs. Haryana Staff Selection Commission and another', filed by Naveen (respondent No.5 herein).

10. The appeal is accordingly dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

January 31, 2020
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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No