

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Writ Petition No. 4550 of 2021

Sandeep

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

AND

2. Civil Writ Petition No. 4557 of 2021

Naveen and Others

... Petitioner(s)

Versus

Dakshin Haryana Bijli Vitran Nigam Limited and Another

... Respondent(s)

Date of Decision: 25.02.2021

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rajesh Hooda, Advocate
for the petitioner (In CWP-4550-2021).

Mr. Mohan Singla, Advocate
for the petitioners (In CWP-4557-2021).

Mr. Samarth Sagar, Additional Advocate
General, Haryana.

Anil Kshetarpal, J.

By this order, Civil Writ Petition No. 4550 and 4557 of 2021 shall stand disposed of. Learned counsel for the parties have also submitted that both the writ petitions can be disposed of by a common order. For facility of reference, the facts are taken from Civil Writ Petition No. 4550 of 2021.

The petitioner (in CWP-4550-2021) prays for the following

substantive reliefs:-

“i) a writ in the nature of mandamus directing the respondents to call the petitioner for scrutiny of documents to be held on 27.02.2021, for the post of Assistant Lineman advertised vide advertisement No. 11/2019 dated 05.07.2019, Category No. 2, the result of which has been declared on 21.02.2021. The petitioner is General Category candidate but applied under EWS (Economically Weaker Section) but has not taken benefit of any age relaxation. The petitioner has secured 89 marks out of 90 marks in the Written Examination as per the answer sheet of the petitioner downloaded from HSSC website and answer key uploaded by the HSSC. Further he is entitled to 5 marks for EWS. But still he has not been called by the HSSC even for Scrutiny of documents. The petitioner is liable to be selected even in General Category as per his merit as he is otherwise eligible in General also.

ii) Direct the respondent No.2 not to declare the final result of the selected candidates, after verification of the documents during the pendency of the present writ petition otherwise the respondents will create third party rights to defeat the right of the petitioner. The selection is to be made only on the basis of written test and no interview is required as per the Selection Criteria mentioned in the Advertisement. The respondents are in a hurry to make illegal appointments.

iii) In the alternative, one post be kept reserved for the

petitioner during the pendency of the present writ petition as the petitioner will be selected if he is considered under General Category.

iv) Or the entire selection should be quashed as the respondents have completely violated the reservation policy. In the advertisement no. 11/2019 dated 05.07.2019, under Category No. 2, total 183 posts of Assistant Lineman were advertised. As per Haryana Government policy, there is 10% reservation to EWS (Economically Weaker Section). Therefore, out of 183 posts, 18 posts should have been reserved under EWS, however, only 1 post was reserved for EWS. This is in complete violation of reservation provided to EWS. Had the respondents reserved 18 posts for EWS, the petitioner who has got 94 marks, under (EWS), would have been selected. Because of less posts under EWS, he has neither been selected under EWS quota nor does he seem to have been considered under General Category”.

The petitioner claims that he applied for recruitment to the post of the Assistant Lineman, pursuant to the recruitment notice dated 05.07.2019. The petitioner claims to have applied under the category of Economically Weaker Section. He assumes, on the basis of the answer key uploaded, that he will get 89 out of 90 marks in the written examination. The petitioner claims that the candidates of general category, who have got fewer marks than him, have been called for scrutiny of documents, however,

the name of the petitioner has been omitted.

It is not in dispute that the scrutiny of documents is yet to take place. As on date, the final selection has not been made.

Mr. Samarth Sagar, Additional Advocate General, Haryana, has entered appearance pursuant to receiving an advance copy of the writ petition(s) and submits that the Secretary, Haryana Staff Selection Commission, will consider the claim of the petitioner(s) and pass a speaking order, if it is to be rejected. He submits that let the petitioner(s) contact the Secretary today itself.

Learned counsel for the petitioners submit that the petitioner(s) have to come from Rohtak, Hisar and Fatehabad and therefore, they will appear before the Secretary, Haryana Staff Selection Commission, tomorrow at 10.00 A.M.

Keeping in view the aforesaid facts and without going into the merits of the case, both the writ petitions are disposed of by directing the Secretary, Haryana Staff Selection Commission, to consider the claim of the petitioners after granting them an opportunity of hearing tomorrow at 10.00 A.M. If the Secretary is to decide against the petitioners, it is expected that a speaking order, giving reasons, shall be passed.

(Anil Kshetarpal)
Judge

February 25, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No