

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-84-CWP-2021 in/and
CWP-4417-2019 (O&M)
Date of decision : April 07, 2021

RAJESH KUMARPetitioner
Versus
STATE OF HARYANA AND ORSRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jasbir Mor, Advocate for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in CM-84-CWP-2021 is for preponement of hearing of the petition, which is listed for 04.08.2021.

At request of learned counsel for the parties, hearing of the petition is preponed from 04.08.2021 for today itself.

Grievance of the petitioner in this writ petition is that he was not called for interview for the post of Auction Recorder advertised in July, 2015, category 19 (Annexure P1). It is submitted that the petitioner had secured 144 marks in the written test. He was earlier called for interview for the said post as per notices dated 28.08.2018 and 17.11.2018. Said notices were, however, withdrawn and fresh notice dated 13.02.2019 was issued calling the candidates for interview but the petitioner was not called. Hence, the writ petition was filed.

As per interim order dated 20.02.2019, it was directed that the petitioner be permitted to participate provisionally in the interview and his result be kept in sealed cover.

As per short reply filed on behalf of respondent No. 3, it is explained that notice dated 28.08.2018 was issued for calling the shortlisted candidates equal to twice the number of vacancies, the cut off for interview for general category was 144 marks. Interview was postponed due to administrative reasons. Subsequently, all notices for interview were withdrawn on 21.11.2018. Respondent – Commission called the candidates for interview vide notice dated 13.02.2019 wherein cut off was raised by two marks to 146. Certain additional candidates had to be called due to which number of candidates increased to more than twice the number of posts, therefore, when exactly twice the number was calculated, cut off was raised to 146. As the petitioner had secured 144 marks, he was not called for interview at that time. Subsequently, certain posts meant for SBC category were converted to General category. The cut off was then reduced to 138 and candidates falling therein were called in which petitioner's name was included but as he had already been interviewed provisionally in terms of order dated 20.02.2019, he was not interviewed again.

Result of the petitioner has been received in sealed cover. Same is open and perused. Candidature of the petitioner is stated to have been rejected. He is reflected to have secured 144 marks and 18 in viva i.e. total 162 marks.

Learned counsel for the petitioner is unable to deny that as last candidate selected in the general category has secured 164 marks, present writ petition is rendered infructuous.

Present writ petition is, accordingly, disposed of as infructuous. In case, the petitioner has any grievance regarding the result as sought to be urged by learned counsel for the petitioner, it is open to the petitioner to represent before the authorities in this respect/avail the remedy as may be available to him, in

accordance with law. In case, any representation in this regard is submitted by the petitioner within fifteen (15) days from today, the same be considered by the competent authority in accordance with law within four weeks, thereafter.

Result so produced in sealed cover is returned to the official.

Writ petition is disposed of accordingly.

April 07, 2021
rts

(Lisa Gill)
Judge

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