

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

103

**CM-2044-LPA-2021 in/and
LPA-670-2019 (O&M)
Decided on : 29.11.2021**

Haryana Staff Selection Commission

... Appellant

Versus

Ramphal and others

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE SANT PARKASH**

Present: Mr. Inder Pal Goyat, Advocate
for the applicant/respondent No.1.

G.S. Sandhawalia, J. (Oral)

CM-2044-LPA-2021

Application for disposing of the main appeal in view of the judgment of the Apex Court dated 01.09.2021 passed in Civil Appeal Nos.5065-5095 of 2021 'Haryana Staff Selection Commission Vs. Priyanka & others' (Annexure A-5).

Notice of the application.

Mr. Hitesh Pandit, Addl. AG, Haryana accepts notice on behalf of the appellant.

Accordingly, the application is allowed and case is taken up for hearing today itself.

CM stands disposed of.

CM-1599-LPA-2019

Application for condoning the delay of 441 days in filing the appeal has been filed.

In view of the averments made in the application, duly supported by affidavit, the same is allowed. The delay of 441 days in filing

the appeal is condoned.

CM stands disposed of.

Main appeal (O&M)

Challenge in the present appeal is to the judgment of the learned Single Judge dated 12.12.2017 passed in **CWP No.21103 of 2015 'Ramphal and another Vs. State of Haryana and others'**, wherein the writ petition was allowed qua petitioner No.1, though the same was dismissed qua petitioner No.2. The learned Single Judge had directed that since the confidential result was declared by 18.08.2006 prior to the cut-off-date fixed in the advertisement which was 21.08.2006, the benefit of confidential result was to be given to the writ petitioner.

On 01.04.2019 while issuing notice, it was noticed that learned Single Judge had relied upon a Division Bench judgment of this Court and the same had been stayed by the Apex Court. It is not disputed that **LPA-362-2018 'Haryana Staff Selection Commission Vs. Priyanka and others'** has been dismissed on 10.08.2018 and eventually the judgment of the learned Single Judge has been upheld in **Civil Appeal Nos.5065-5095 of 2021 'Haryana Staff Selection Commission Vs. Priyanka & others'** (Annexure A-5) with the directions that benefit of confidential result was to be granted to the candidates.

In similar circumstances **LPA-1854-2018 'Haryana Staff Selection Commission Vs. Manju Bala & others'** alongwith other connected appeals have also been dismissed on 25.11.2021. The operative part of the order dated 25.11.2021 reads as under:-

“On 28.11.2018 and 19.12.2018, it had been brought to the notice of this Court that the matter was before the Apex Court since the appeal against the order of the Learned Single judge bearing LPA-362-2018 titled *Haryana Staff Selection Commission Vs. Priyanka & others*, had been dismissed on 10.08.2018 and there was stay of the judgment of the Division Bench, at that point of time by the Apex Court. It is not disputed that now CA-5065-5095-2021 titled *Haryana Staff Selection Commission Vs. Priyanka & others*, has been disposed of upholding the principle that the benefit of the confidential result is to be granted to the candidates and therefore, the said portion of the order has been upheld. The only modification which has been made by the Apex Court is to the directions, which had been issued by the Division Bench that the date of eligibility should be seen on the date of screening or interview, which portion had been changed, with which we are not concerned in the present set of appeals. Relevant portion of the judgment of the Apex Court reads as under:

“The short question which was raised before the High Court and also before us is as to whether the provisional/confidential result declared by the Universities would be a validly declared result or not. The question has been considered by the High Court in detail and it has been held in favour of the candidates. In our view also, as long as the authenticity of the provisional/confidential result declared by the Universities is not in doubt, which in the present case has been confirmed by the Universities on the request made by the appellant/commission, the view taken by the High Court is perfectly justified. It cannot be said that the respondents were not qualified as on the cut off date, which was 12.10.2015, as the provisional/confidential result had been declared by the respective Universities in favour of the candidates prior to the said date and the applications were filed by the respondents well within time, along with such provisional/confidential result. As such, to

this extent, we are not inclined to interfere with the order
impugned in these appeals.”

Keeping in view the above, since the position stands settled by
the Apex Court, no case is made out to interfere with the well
reasoned judgment passed by the Learned Single Judge.
Resultantly, the present appeals are dismissed in limine.

Accordingly, the present appeal is also dismissed being
covered by the above facts.

(G.S. SANDHAWALIA)
JUDGE

November 29, 2021
Naveen

(SANT PARKASH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No