

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

**CWP No.10342 OF 2021 (O&M)
DATE OF DECISION : 27.05.2021**

Mankit

...Petitioner

versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Gaurav Tyagi, Advocate,
 for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter-alia*, seeks issuance of a writ in the nature of mandamus directing the respondents to accept the candidature of petitioner for the post of Clerk in Backward Class-B category, as per the result dated 17.05.2021 (Annexure P-10) published for the waiting list. He claims himself to be in the waiting list.

2. Learned counsel for the petitioner submits that 4858 posts of Clerks (Group-C) were advertised vide Advertisement No.5/2019 dated 20.06.2019 (Annexure P-1). Petitioner applied for the same in Backward Class-B Category. The petitioner appeared in the written examination conducted on 23.09.2019. The final result was uploaded by respondent No.2 on the website on 03.09.2020. The petitioner claims to have scored 61 marks whereas the cut off is 62 marks in BCB category. On 17.05.2021, final result of waiting list was also published by respondent No.2. He further contends that however one Akshay who has scored less marks than the petitioner has been called for scrutiny and verification of documents but not the petitioner.

3. In this premise, petitioner also submitted representation dated 19.05.2021 (Annexure P-11), but to no avail. Hence, the instant petition.

4. On advance service, Mr. Rajneesh Chadwal, AAG, Haryana, joins the proceedings on behalf of State of Haryana.

5. Learned State counsel opposes the aforesaid averments as contained in the petition. He contends that petition has been filed on a wrong premise that the last selected candidate, either in the main list or waiting list, had scored less marks than the petitioner. He further submits that per his instructions from Shri Dekansh Goyal, Legal Officer, Haryana Staff Selection Commission, the petitioner secured 60 marks in the written examination. Whereas, the last selected candidate scored 62 marks in the written examination. Even the minimum Cut off in the written examination, to be eligible, is also 62 marks, he contends.

6. Per contra, learned counsel for the petitioner submits that petitioner was to be also given the benefit of his Socio-economic Background, for which he deserves additional 5 marks and that would have brought him way above requisite 62 marks obtained by the last selected candidate. Be that as it may, learned counsel submits that, at this stage, he is under instructions to state that if the pending representation of the petitioner is decided, either way, he would not press the petition.

7. In the premise, without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority/respondent No.2, to look into the representation dated 19.05.2021 (Annexure P-11) and decide the same either way, by passing a speaking order in accordance with law, within a period of six weeks. In case any favourable order is passed, benefit thereof be accorded to the petitioner along with the other successful candidates.

8. Till the passing of speaking order on the pending representation of the petitioner, status-quo, as on today, with regard to vacancies to be filled pursuant to the waiting list (P/10), shall be maintained.

9. Disposed of in above terms.

MAY 27, 2021
Shalini

(ARUN MONGA)
JUDGE

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