

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

CWP-11043-2021

Date of Decision: 29.06.2021

ANIL JANGRA

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Neeraj Sheoran, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.
(Presence marked through Video Conference)

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ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of mandamus directing the respondents to consider his case for selection on the post of clerk as he has secured equal marks to the last selected candidate in the waiting list and he being elder in age to the said candidate deserves preference over him.

2. Learned counsel for the petitioner submits that petitioner applied for the post of clerk in response to the advertisement No.5/2019 under BCA Category. After successfully participating in the written examination, he was called for scrutiny of documents. Petitioner attended the scrutiny of documents. Respondent Commission notified the waiting list for the said post. He further submits that the last selected candidate in the waiting list under BCA category secured 65 marks. Stipulations is that a person, who is elder in age will be given preference where two or more candidates score equal marks.

Petitioner claims he has secured 65 marks as per answer key provided by the

respondent-commission and is older in age than the last selected candidate in the waiting list under BCA category.

3. In the premise, petitioner submitted a representation dated 21.05.2021 (Annexure P-8) but to no avail. Hence, the instant petition.

4. Learned counsel for the petitioner submits that, at this stage, let a final decision be taken, either way, by the respondents on the pending representation dated 21.05.2021 (Annexure P-8), giving reasons thereof.

5. Notice of motion.

6. Learned State counsel joins proceedings on advance service and accepts notice on behalf of the respondent-State of Haryana and submits that per his instructions, revised answer key was uploaded by the respondent Commission and petitioner does not make the cut as per revised answer key.

7. Be that as it may, given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

8. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner as per representation dated 21.05.2021 (Annexure P-8) and also by keeping in view the contentions raised in the present petition by treating the same as supplementary representation and take a decision, in accordance with law.

9. Let the needful be done within a period of two months from today.

10. Disposed of accordingly.

(ARUN MONGA)
JUDGE

29.06.2021
Vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No