

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

105

**CM-8208-CWP-2021 in/and
CWP No.17012 of 2019
Decided on : 15.07.2021**

Parmod Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Sunil K. Nehra, Advocate
for the applicant/petitioner.

Ms. Kirti Singh, DAG, Haryana

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

CM-8208-CWP-2021

Application has been filed for preponing the date of hearing
from 10.09.2021, on the ground that the case has been adjourned by NIC
due to Covid-19 situation.

Notice in the application.

Ms. Kirti Singh, DAG, Haryana accepts notice on behalf of the
respondents/State.

For the reasons given in the application, since the pleadings are
complete, the application is allowed and hearing of the case is preponed
from 10.09.2021 to today itself with the consent of both the counsels for the
parties.

CM stands disposed of.

Main case

The case of the petitioner primarily is for revising the result of the post of PGT, History in the BCA Category, in which the petitioner has obtained 126 marks against the Advertisement No.4/2015 (Annexure P-1). In the result declared on 09.06.2019 (Annexure P-8), the petitioner's roll number did not find mention in the BCA Category and PHC (OH) Category.

The case of the petitioner is that he has secured 126 marks, but has not been considered in the BCA Category, though the last selected candidate has only obtained 118 marks and he had also applied in the same. Vide the order dated 21.06.2019, respondents were directed to keep one post in the said category vacant, keeping in view the contention which had been raised by the counsel for the petitioner.

The stand of the State was noticed on 29.10.2020 in para no.9 of the reply filed by the respondent No.2-Commission. It was admitted by the State that the petitioner had applied in OH-BCA Category and he was only considered in OH Category (Orthopedically Handicapped). The clarification has been sought qua the instructions dated 15.07.2014 how to ascertain suitability of posts for disabled persons, vide letter dated 27.01.2020 (Annexure R-2/3) and the Commission would take action after the clarification is received.

Counsel for the petitioner has also relied upon the judgment passed by the Coordinate Bench in CWP No.27795 of 2018 'Ankush

Kumar Vs. State of Haryana and another' decided on 21.01.2020, which was placed on record as Annexure A-1 vide CM-10103-CWP-2020.

In the said case, similar controversy had arisen as the petitioner therein applied for the post of Clerk in the SC Category and Physically Handicapped (OH) Category. He had secured more marks than the last selected candidate in the waiting list for the SC Category. He had not been given appointment at that point of time as he had got less marks in the PH (OH) Category. Resultantly, while keeping in mind the judgment of the Apex Court passed in 'Anil Kumar Gupta Vs. State of Uttar Pradesh and others', 1995 (4) SCT 403 and the judgment of the Division Bench passed in CWP No.18738 of 2009 'Ajit Singh Vs. State of Haryana and others', the writ petition had been allowed. Resultantly, directions were issued to appoint the petitioner under the SC Category on notional basis without any financial benefits within a period of one month from the date of receipt of certified copy of the order. The said judgments would squarely cover the case of the petitioner, in the opinion of this Court, as the petitioner had also applied as OH-BCA Category which would be clear from admit card (Annexure P-5).

Counsel for the State has submitted that the clarification from the Chief Secretary has also been received, which fact was also noticed by the Coordinate Bench on 12.02.2021.

Accordingly, the present writ petition is disposed of with the directions to the respondents to grant the necessary relief to the petitioner

as granted in the case of **Ankush Kumar (supra)** by revising the result within a period of three months from the date of receipt of certified copy of this order.

July 15, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

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