

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

CWP-17643-2021

Date of Decision: 08.09.2021

MOHIT

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Anil Mehta, Advocate
for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Grievance of the petitioner, who had competed for the post of Steno-typist under Economically Backward persons in general caste category, is that despite having been successful and subsequently thereto, having been offered department where he was to be posted, as a bolt from the blue, vide impugned order/letter dated 09.06.2021 has now been informed that in view of an adverse legal opinion given by the Office of the learned Advocate General, he cannot be appointed until the final decision of SLPs(C) 23544-23547 of 2016, which are pending adjudication in the Supreme Court.

2. Learned counsel for the petitioner strenuously argues that while he has no quibble about the fact that the proposed appointment of the petitioner would be subject to the outcome of the aforesaid SLPs. However, he argues that the State cannot indulge in hostile discrimination qua the petitioner alone, inasmuch as, other similarly selected candidates have been

given appointment, whose fate will also otherwise be finally governed by the eventual outcome of the aforesaid pending SLPs. He submits that other candidates have been given appointment subject to the rider that their appointment is conditional and is subject to the final decision to be rendered in the pending SLPs. However, in the case of the petitioner, though he is also equally willing to give such an undertaking, if so required, and/or also accept such a condition, if put in his appointment letter, has been summarily told that he cannot be appointed until the decision of the SLPs.

3. Notice of motion.

4. Learned State counsel, on advance service, joins proceedings and accepts notice on behalf of the respondent-State of Haryana and seeks time to file return.

5. However, given the the nature of order being passed, no further proceedings and/or filing of return is necessary.

6. In view of peculiar averments and the contentions as noted here-in-above, the writ petition is disposed of with a direction to the competent authority to pass fresh orders by dealing with the aforementioned contentions specifically. In case, the petitioner's case is not found covered by the same, record reasons as to how the same is not similar viz-a-viz the other candidates, who have been offered the appointment subject to the outcome of SLPs. The competent authority shall be at liberty to give an option to the petitioner to also give an undertaking, that in case he is offered appointment, the same shall be subject to the outcome of the pending SLPs. In the event of competent authority doing so, there is no requirement of passing any order and it is expected that the petitioner would also be offered appointment on parity with the other selected candidates. Of course, the

instant order is subject to the petitioner being otherwise eligible and being meritorious as per his position in the merit list, as has been averred in the petition.

7. A decision shall be taken by the competent authority as expeditiously as possible preferably on or before the expiry of the waiting list, in order to avoid any imbalance on equity, in case, in the meanwhile a candidate who is below in merit list compared to the petitioner claims his stake against the slot of the petitioner.

8. Disposed of accordingly.

September 08 , 2021
gurpreet

(ARUN MONGA)
JUDGE

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