

LPA No. 1191 of 2021

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

**LPA No. 1191 of 2021
Date of decision: 15.12.2021**

Vishal

... Appellant

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Mayank Sharma, Advocate, for the appellant.
(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court).

ARUN PALLI, J.

This is an intra-court appeal, under Clause X of the Letters Patent, against an order and judgment dated 12.11.2021, rendered by the learned Single Judge. Vide which, the writ petition preferred by the appellant, claiming the right to be called for interview conducted by the Haryana Staff Selection Commission, for one post of Wildlife Guard under Outstanding Sports Person-Scheduled Caste Category, was dismissed.

The learned Single Judge, upon analysis of the matter in issue, concluded that appellant had scored 58 marks in the written examination held on 20.8.2017, whereas, the last shortlisted candidate, who was called for interview, had obtained 76 marks. Thus, for the appellant failed to qualify for the interview/viva-voce, his grievance was unfounded.

The only argument advanced by the learned counsel for the appellant is that learned Single Judge failed to appreciate that of the two candidates shortlisted for the interview, the candidate who was at No.1 in the

merit did not opt to join, and the other, who had scored 76 marks, was declared ineligible on verification of documents. Therefore, the Commission ought to have considered the appellant and called him for interview.

We have heard learned counsel for the appellant and perused the records.

Upon being pointedly asked, learned counsel for the appellant could not show, if the appellant with 58 marks in the written examination was next in merit, after the last shortlisted candidate who was called for interview. Even otherwise, no rule or instructions were referred to that required the Commission to prepare a waiting list/panel and the period, if any, for which it was to be operative. It does not end there. The record shows that learned Single Judge, vide order dated September 02, 2019, had issued notice in the writ petition, limited to the extent of notifying the result of the appellant, and had declined to interfere qua any other grievance/claim:

“Petitioner though sought intervention of this Court for claiming post of Wild Life Guard under SC-Outstanding Sports Person Category on the ground that there was no waiting list and the person ahead has not joined.

I am afraid aforementioned argument cannot be accepted but grievance of the petitioner of having not conveyed marks or disclosed, would leave him in quandary qua his eligibility.

Notice of motion for 10.09.2019 only to the limited extent of notifying result to the petitioner.

In the meantime, respondents are directed to notify result of the petitioner or bring to this Court on the next date of hearing.

To be shown in the urgent list.”

And, for in compliance to the order, referred to above, the Commission apprised the appellant that he had scored 58 marks in the written examination, we wonder how could he still persist with his claim or rake up any such issue.

In the wake of the position, as sketched out above, we are dissuaded to interfere with the impugned judgment and order rendered by the learned Single Judge.

The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

December 15, 2021

AK Sharma

Whether speaking / reasoned: YES

Whether Reportable: YES/NO