

CWP-523-2022

Date of Decision : 13.01.2022

Sourabh Rounta

...Petitioner

versus

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. G.S Gopera, Advocate for the petitioner.

B.S. Walia, J. (VC)

[1] Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

[2] Prayer in the petition under Article 226 / 227 of the Constitution of India is for issuance of a writ, order or direction especially in the nature of mandamus directing the respondents to constitute a committee of experts to examine and evaluate the defect, correctness or efficacy in the working and functioning of the RFID allotted to the petitioner at the time of his physical screening test as the petitioner had completed race of 2.5 kms race in less than the stipulated period of 12 minutes i.e. 11 minutes but was eliminated from the selection process due to malfunctioning of the said device.

[3] Ms. Upasana Dhawan, AAG, Haryana, on instructions from Mr. Ramnish, ADA, HSSC, states that as per the RFID, the petitioner qualified the race in 12 minutes 12 seconds 900 milliseconds therefore, did not qualify the said race in the stipulated period of time, that the

petition raises disputed questions of fact therefore, writ petition is not

maintainable.

[4] Faced with the aforementioned position, learned counsel for the petitioner prays for permission to withdraw the instant petition with liberty to take out appropriate proceedings in accordance with law for redress of the petitioners grievance otherwise than by way of a writ petition.

[5] In view of the position noted above as well as statement of learned counsel for the parties but without commenting upon the merits of the controversy, the instant petition is dismissed as withdrawn with the liberty as prayed for.

(B.S. Walia)
Judge

13.01.2022
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Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No