

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

**CWP-4174-2022 (O&M)
Date of decision: 03.03.2022**

Aman Kumar

...Petitioner

V/S

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jasbir Mor, Advocate,
for the petitioner.

Mr. Sharan Sethi, Additional A.G., Haryana.
(Presence marked through Video Conference)

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of mandamus directing the respondent-Commission not to cancel his candidature for the post of group 'D' under ESP General Category for want of Sports Gradation Certificate.

2. Learned counsel for the petitioner submits that the petitioner was called for selection and appointment on the post of Group 'D' and he was required to appear for documents verification/sports certificate from 02.03.2022 to 05.03.2022. He submitted an application dated 15.02.2022 (Annexure P-8) before the Sports Department for issuance of gradation certificate, but to no avail. He submits that petitioner qua his aforesaid grievance submitted a representation dated 19.02.2022 (Annexure P-9), the same has also not been adverted by the respondents. Hence, the instant petition.

3. On advance service, learned State counsel joins proceedings and opposes issuance of notice of motion and submits that competent authority shall take decision either way, on the pending representation of the petitioner, in due course.

4. Learned counsel for the petitioner also agrees that let a final decision be taken, by the competent authority on the pending representation dated 19.02.2022 (Annexure P-9).

5. 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.

6. 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 19.02.2022 (Annexure P-9) and also contentions raised in the present petition by treating the same as supplementary representation and take a decision, in accordance with law. Since application 15.02.2022 (Annexure P-8) for issuance of Sports Gradation Certificate is already pending for a considerable time, needful be done within a period of 30 days from today.

7. Until the decision on the application, the candidature of the petitioner shall not be cancelled in the ESP General Category on the ground that he has not produced the certificate. However, it is made clear that in case favourable certificate is not issued to the petitioner, respondent shall be at liberty to proceed in accordance with law without seeking leave of the Court.

8. Disposed of accordingly.

03.03.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No