

224

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6039-2019
Date of decision: 26.04.2022

SITA RAM

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunil Kumar Nehra, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari, for quashing the impugned selection list dated 07.01.2019 (Annexure P-2) of Head Constables selected for Intermediate School Course to the extent that the name of the petitioner has been excluded despite the petitioner being senior to several candidates selected for the Intermediate School Course.

In brief, the facts of the case are that the petitioner herein was appointed as a Constable in Haryana Police on 19.11.2003 and passed the Lower School Course in the year 2012. He was promoted to the post of Head Constable on 26.02.2012 and thereafter was confirmed on the said post on 12.11.2012. He was placed at serial No.769 in the seniority list which was prepared in compliance of the orders passed by the High Court in

LPA No.645 of 2013 and COCP No.986 of 2013. It is contended that the

persons, who were juniors to petitioner and placed at serial Nos.770, 771, 772, 773 and 774, got confirmed as Head Constable on the same date as was the petitioner, were sent for the Intermediate School Course ignoring the claim of the petitioner herein, who was senior to all of them.

Pursuant to the notice of motion order passed on 06.03.2019, a short reply by way of an affidavit of Amitabh Dhillon, IPS, Inspector General of Police, Hisar Range, Hisar, on behalf of respondent Nos.1 to 3, has been filed. It is stated in the reply that the petitioner was not sent for the Intermediate School Course as he could not be confirmed in the rank of Head Constable due to the fact that he was under punishment at the relevant time. It is stated in para 6 that the petitioner herein would be sent in the next batch of Intermediate School Course as per the entitlement and eligibility and the claim for seniority and other benefits would be considered and decided after the petitioner passes the Intermediate School Course.

I have heard learned counsel for the parties and have perused the pleadings of the case.

As per Annexure P-1, which is a seniority list prepared in terms of the directions issued in LPA-645-2013 and COCP-986-2013, it would be evident that the petitioner herein has been placed at serial No.769 by showing his date of confirmation as Head Constable on 12.11.2012, which list would falsify the stand taken that the petitioner was not confirmed on the post of Head Constable.

Be that as it may, in view of the submissions made in the reply filed by the State that the seniority of the petitioner would be considered along with others, after he passes the Intermediate School Course, the instant writ petition is disposed of with a direction that in case the petitioner

has completed his Intermediate School Course during the pendency of the writ petition, his seniority would be taken into consideration along with his juniors, who were sent for the said course prior in time.

26.04.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No