

In the High Court of Punjab and Haryana, at Chandigarh

C.O.C.P. No. 697 of 2022

Date of Decision: 02.05.2022

Sukhbir Singh

... Petitioner(s)

Versus

Isha Kamboj, HCS, Secretary, Haryana Staff Selection Commission,
Panchkula.

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vikas Kuthiala, Advocate
for the petitioner(s).

Mr. Narinder Singh Behgal, Assistant Advocate General,
Haryana, for the respondent.

Anil Kshetarpal, J.

1. While allowing the writ petition, filed by the petitioner, the Court passed an order on 06.09.2021, relevant extract whereof is reproduced as under:-

“5. After hearing rival contentions of learned counsels for the parties, I am of the view that there is merit in the contentions of learned counsel for the petitioner as noted herein above. It is settled principle of service selection that in case a candidate who is seeking reservation in any category has secured more marks than the last selected candidate in the General category, he is to be considered in the General category by overlooking his option in reserved category. Since the marks obtained by the petitioner are not in dispute as

concededly he has secured more marks than the last selected candidate in General category, he cannot be denied the benefit of merit.

6. *Another aspect of the matter is that, candidature of petitioner has neither been considered in general nor in reserved category on the ostensible ground of non-furnishing of reserved category certificate. Non furnishing of reserved category would at worse result in non being granted benefit of reserved category and not in rejection of the candidature altogether. In normal course also, in case of failure to furnish reserved category certificate, the candidature ought to have been treated as deemed general category. However, in the instant case the petitioner is left high and dry by rejection of his candidature even in the general category, which is legally not sustainable.*

7. *Accordingly the writ petition is allowed. Respondents are directed to consider the candidature of the petitioner in general category, dehors the fact that he had relevant DESM certificate or not on which ground his candidature was not considered in the reserved category.*

8. *Per para 3 of the written statement, it is since conceded position that one post of Statistical Assistant in General category is still lying vacant. It is, therefore, expected of the respondents to consider the candidature of the petitioner and pass appropriate orders to accommodate the petitioner qua the*

said vacant post, in accordance with his merit.

9. *Needless to say petitioner shall be entitled to seniority as per his merit, with effect from the date other candidates were selected”.*

2. Mr. Narinder Singh Behgal, Assistant Advocate General, Haryana, has entered appearance for the respondent and on the instructions from Mr. Vikrant, L.A. Haryana Staff Selection Commissioner, Panchkula, submits that the petitioner has been called on 20.04.2022 and thereafter, once again on 22.04.2022.

3. In view of the above, no further order is required to be passed.

Hence, the present petition is disposed of.

(Anil Kshetarpal)
Judge

May 02, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No