

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

CWP-7819-2019 (O&M)

Date of decision: September 12, 2022

Sohan Kumar

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Varun Gupta, Advocate for the petitioner.

Mr. R.K.S. Brar, Additional AG Haryana.

Mr. Kanwal Goyal, Advocate,
Mr. Govind Tanwar, Advocate for the respondent-HPSC.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to consider the candidature of the petitioner under the category of ESP (Eligible Sports Persons) for the post of Assistant District Attorney in the Prosecution Department, Haryana and to permit him to submit documents for eligibility & verification for calling for viva-voce.

2. Pledged case is that the petitioner applied on-line for the post of Assistant District Attorney in the Prosecution Department, Haryana. Petitioner has played for Haryana under the Fencing Association of India (which is affiliated to Indian Olympic Association) in 19th Senior National Fencing Championship. Respondents declared result but name of the petitioner was not mentioned in the list of ESP category candidates. Petitioner had inadvertently

applied under the category of DESM instead of ESP. Petitioner also moved representation in this regard.

3. I have heard rival contentions of learned counsel for the parties and perused the record.

4. Vide order dated 20.03.2019 passed by this Court, case of the petitioner was ordered to be considered under the Sports quota. Thereafter, vide order dated 10.04.2019, petitioner was allowed to be interviewed provisionally under the ESP category. Result has been declared and the same reveals that petitioner secured aggregate of 45.11 marks. On a Court query, learned counsel for the respondent-Commission under instructions submits that cut-off in the ESP category was 49 and therefore, case of the petitioner was not found within the consideration zone.

5. In the premise, it seems that being unaware of his actual result, the petitioner was misled into filing the instant petition premised on an understanding that he has secured more marks than the cut-off.

6. The result of the petitioner is not under challenge before this Court. Being so, no further grounds to interfere are made out.

7. Dismissed.

(ARUN MONGA)
JUDGE

September 12, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No