

118.

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

CWP-8131-2022 (O&M)

Date of Decision: 28.04.2022

SHIV KUMAR

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Dr. Surya Parkash, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

CM-6217-2022

Application is allowed, as prayed for.

Annexures P-7 and P-8 are taken on record.

CWP-8131-2022

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ of certiorari quashing the selection/appointment of respondents No.3 to 7, with a further prayer to direct respondent No.1 to appoint the petitioner on the post of Sub-Inspector (Male), in the Police Department, Haryana.

Pursuant to an advertisement that was issued on 15.06.2021, the petitioner applied for the post of Sub-Inspector in the Police department, Haryana. It is submitted that the petitioner participated in the written examination, physical screening test and physical measurement test and was awarded 66.40 marks and was placed at serial No.1 in the waiting list of

general category. It is contended that as per the advertisement, only those persons could apply who had attained the age between 21-27 years as on 01.06.2021 and all others would be ineligible for appointment. There was an exception to the age qualification as per Note (iv) under Head 2 of the advertisement which stipulated that as per Section 5A of the Haryana Police (non Gazetted and Other Ranks) Service Rules, 2017, amended upto 2018, the upper age limit for recruitment in the rank of Sub-Inspector to all departmental candidates in Haryana Police with a minimum of 03 years of continuous service shall be 30 years for General Category candidates and 35 years for Backward Class candidates and Scheduled Castes candidates. Apart from age relaxation, weightage of 05 marks was to be given if neither the applicant nor any person from the applicant's family, namely, father, mother, spouse, brother, and son, is, was or has been a regular employee in any Department/Board/ Corporation/ Company/Statutory Body /Commission /Authority of Government of Haryana or any other State Government or Government of India. It is submitted that as per the chart prepared in para 7 of the writ petition, persons, namely, respondents No.3 and 5 are ineligible for any appointment to be offered to them primarily on the ground that respondent No.3 is overage and respondent No.4, who is a Constable working in the police department itself, has been awarded 5 marks which are not admissible to him. If these two respondents and others as mentioned in the said paragraph, are declared ineligible, the petitioner, who is at serial No.1 in the waiting list of the general category; would become eligible to be offered appointment as Sub-Inspector.

At this stage, counsel appearing on behalf of the petitioner herein submits that he would be satisfied if this writ petition is treated as a representation and a decision is taken within a time bound manner.

Notice of motion to the official respondents only.

Ms. Kirti Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondents No.1 and 2.

Keeping in view the request of counsel for the petitioner, this petition is disposed of with a direction to the official respondents to treat the instant petition as a representation and decide the same within a period of one month, from the date of receipt of certified copy of this order, in accordance with law, and convey the decision to the petitioner. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

28.04.2022

sanjeev

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No