

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

CWP No. 8063 of 2022 (O&M)

Date of Decision: 12.10.2022

Krishan Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajat Mor, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

JAISHREE THAKUR, J.

1. The instant writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of an appropriate writ in the nature of Mandamus directing the respondents to allow him to join on the post of Male Constable along with all consequential benefits, considering the fact that despite having cleared the medical and police verification, he was not allowed to join.

2. Brief facts of the case are that the Haryana Staff Selection Commissioner issued an advertisement No. 3/2018 on 16.4.2018 inviting online applications for recruitment of Male Constable (GD). The petitioner participated in the selection process and was declared successful and his name was recommended by the respondent—Commission for appointment. The petitioner presented himself before the 1st Battalion, on 20.9.2019 and thereafter underwent his medical test as well on 19.11.2019. Despite having

police verification done on 15.1.2020, the petitioner was not allowed to join the Battalion allotted to him. Aggrieved against the said action, the instant writ petition.

3. At the outset, learned counsel for the petitioner herein fairly concedes that during the pendency of the present writ petition, the petitioner has been permitted to join. However, he submits that since the candidates who were with same merit/lower in merit to the petitioner have already been given appointment and allowed to join the duties, therefore, the petitioner would be entitled to all benefits as are available and given to the persons who were selected along with the petitioner and allowed to join before the petitioner. It is argued that the delay in allowing the petitioner to join service is attributed to the State itself for which he cannot be made to suffer.

4. Per contra, learned counsel for the respondent—State would submit that the petitioner was not allowed to join, in view of the communication dated 21.1.2020 (Annexure R/1) received from the Secretary, Haryana Staff Selection Commission, Panchkula and since now the petitioner has been allowed to join, no interference is called for.

5. I have heard learned counsel for the parties and in view of the fact that as on date, the petitioner has been offered appointment and he has joined the 1st Battalion, this writ petition is disposed of with a direction to the petitioner to make a representation claiming all consequential benefits of seniority etc. which have been granted to candidates who are similarly situated as for no fault of the petitioner he was not given appointment when others were appointed. In case any such representation is made, the same

shall be decided within two months from the date of receipt of such representation.

12.10.2022
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No