

Sr. No. 263

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-8100-2020

Date of decision:03.08.2022

Komal ...Petitioner

Vs.

State of Haryana and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: Mr. Sajjan Singh, Advocate for the petitioner.

Mr. R.K.S. Brar, Additional A.G., Haryana.

Mr. Jitender Nara, Advocate for respondent No.3.

Mr. TejpalDhull, Advocate for respondent No.4.

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**ARUN MONGA, J (ORAL)**

Petition herein, inter *alia*, is for issuance of a writ in the nature of certiorari to quash the result dated 06.06.2020 (Annexure P-9) to the extent of declaring the petitioner as unsuccessful for the post of Junior Engineer (civil), advertised Vide Advt. No.10/2019 dated 15.06.2019 (Annexure P-1), either in EWS category or General Category, claiming that he has secured marks than the cut off in both the categories.

2. The issue involved herein is summed up in the order dated 16.06.2020 passed by my learned brother G.S.Gill, J. (as he then was seized of the matter) in the following words:

*“Learned counsel for the petitioner submits that he had applied for the post of Junior Engineer (Civil) in State of Haryana in EWS category and obtained 74 marks in the recruitment process. Learned counsel would contend that although the cut off marks for the selected candidate in EWS category is 60 and in General category is 63 but for reasons best known to the State, the petitioner has not been selected.*

*Notice of motion.*

*Ms. PalikaMonga, DAG, Haryana to whom an advance copy of petition has already been furnished accepts notice on behalf of the respondents No.1 and 2.*

*List on 15.09.2020.Reply if any be filed on or before the next date of hearing.*

*Notice re: stay as well.”*

3. The controversy,in fact, is already *res judice*vide judgment dated 28.04.2022 rendered in CWP No.2667-2022titled “***Om Roj Vs. Haryana Staff Selection Commission and others.***” I need not, therefore, labour to give an independent opinion, as I am in agreement with what has already been opined in Om Roj, supra.

4. On a Court query, learned State counsel does not dispute that petitioner is similarly situated with Om Roj, to whom, benefit of appointment has been accorded. He further submits that steps though are being taken to challenge the judgment rendered in ***Om Roj case, ibid*** byway of filing an intra court appeal.

5. On a further Court queryqua the availability of vacancy as on today, learned counsel for the petitioner submits that as per the RTI information dated 03.06.2022, copy thereof has been tendered in course of hearing, which is taken on record and marked as Annexure ‘A’, as many as 6 posts in the general category, in which the petitioner had applied, are lying vacant.

6. In the premise, judgment rendered in ***Om Roj case ibid*** has since already been implemented, I see no reason as to why the petitioner be also not accorded the benefit on the ground of parity alone.

7. Accordingly, writ petition is allowed in terms of judgment rendered in case titled “*Om Roj Vs. Haryana Staff Selection Commission and others*” decided on 28.04.2022.

8. Let the needful be done to accord consequential benefits to the petitioner within a period of 60 days from today. He shall be entitled to seniority as per his merit, with effect from same date as his counter parts but no monetary benefits.

(ARUN MONGA)  
JUDGE

August 03, 2022,  
vandana

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |