

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

CWP-9410-2021 (O&M)

Date of decision: October 27, 2022

Vikas

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Ms. Alka Chatrath, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing inaction of the respondent-Commission in placing the petitioner in the waiting list in the result dated 08.05.2020 (Annexure P-5) read with recommendation list received under RTI dated 17.11.2020 (Annexure P-7) for the post of Agriculture Inspector (Soil Conservation) against Advertisement No.6/2016 dated 02.12.2016 (Annexure P-3) by keeping one advertised post of Outstanding Sportsperson General Category vacant stating that one post under Outstanding Sportsperson General Category has been kept reserved in CWP-19235-2018 though there is no direction restraining the respondent-Commission to keep the post of Agriculture Inspector (Soil Conservation) under OSP General category reserved especially when petitioner in CWP-19235-2018 is ineligible in terms of Advertisement *ibid*. A direction is also sought to consider the petitioner's claim for selection and appointment to the post in question.

2. Learned counsel for the petitioner, at the outset, submits that the two posts in question were advertised and result of only one post is declared and the second was withheld owing to the pendency of another writ petition bearing CWP-19235-2018. She submits that the said writ petition was subsequently dismissed as withdrawn vide order dated 12.10.2021 and yet the result of selection of the second advertised post is not being declared. Being so, since it transpires that the petitioner is on waiting list, if the result is declared, it may so happen that in all likelihood, there is no candidate between him and the one already selected.

3. Be that as it may, respondents are directed to declare the result of selection against second post which was advertised and to consider the petitioner's claim for appointment in accordance with law. Needless to say that in doing so, the petitioner shall be given the due benefit of his performance. Needful be done within a period of 60 days from today.

4. Disposed of. In case, petitioner is declared successful, he shall be given all the notional benefits including seniority from the same date as the other candidate who was appointed in the same selection, but shall not be entitled to any monetary benefits on the principle of 'No Work No Pay'.

5. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

October 27, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No