

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

- Date of decision: November 29, 2022**
1. **CM-11303-CWP-2022 IN/AND  
CWP-16631-2022 (O&M)**

Sweety Rani and another

.....Petitioners

versus

State of Haryana and another

.....Respondents

2. **CWP-23702-2022 (O&M)**

Naincy Adhana

.....Petitioner

versus

State of Haryana and another

.....Respondents

3. **CWP-24497-2022 (O&M)**

Krishan Pal and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

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

**Present:** Mr. Lekh Raj Nandal, Advocate for the petitioner(s).

Mr. Pankaj Middha, Additional AG Haryana.

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**ARUN MONGA, J. (ORAL)**

**CM-11303-CWP-2022 IN CWP-16631-2022**

For the reasons stated in the application, the same is allowed as prayed for, subject to all just exceptions.

**Main cases (O&M)**

Vide this common order, bunch of above-mentioned three petitions are being disposed of, since not only the facts but the issues raised therein are also similar. For brevity, recitals are being taken from CWP-16631-2022.

2. Petitioners, *inter alia*, seek issuance of a writ in the nature of Certiorari seeking quashing of final result dated 10.03.2022 (Annexure P-4) for the post of Ophthalmic Assistant, it being violative of Haryana Health Department Para Medical and Miscellaneous Posts (State Group “C”) Service Rules, 1998 (hereinafter, Service Rules, 1998) (Annexure P-2).

3. Pursuant to an advertisement dated 07.09.2019 (Annexure P-1), petitioners applied for the post of Ophthalmic Assistant, Category No.8, under General category. As per essential qualification prescribed in the aforesaid advertisement, a candidate is required to have Ophthalmic Assistant’s Diploma from Medical College, Rohtak or any other recognized institute approved by Haryana Government. The relevant extract is as below:-

“Essential Qualification:-

1. *Pre-Medical or its equivalent with at least 40% Marks;*
2. *Ophthalmic Assistant’s diploma from the Medical College, Rohtak or any other recognized institute approved by Haryana Govt.*
3. *Hindi/ Sanskrit as one of the subject in Matriculation or Higher.”*

The above qualification is in consonance with the Service Rules, 1998.

3.1 Petitioners appeared in the written examination and qualified for the next round of scrutiny of documents. Petitioners were called for scrutiny of documents on 23.08.2021. Final result dated 10.03.2022 (Annexure P-4) was declared. It is alleged that many candidates having the degree of Bachelor of Science (Optometry) from outside the State of Haryana have been selected. On the other hand, petitioners are having requisite diploma from PGIMS, Rohtak. It is also alleged that respondent-Commission has selected various candidates who are ineligible on account of their not possessing the requisite qualification on the cut-off date of filing the application forms.

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

5. In Column No.3 of Sr. No.6 in the Appendix B of the Service Rules, 1998, the requisite qualification for the post in question is as below:-

“Essential Qualification:-

1. *Pre-Medical or its equivalent with at least 40% Marks;*
2. *Opthalmic Assistant’s Diploma from the Medical College, Rohtak or any other institution;*
3. *Hindi upto Matric Standard.”*

6. Result of the petitioners was ordered to be brought in the Court. Same has been brought today in sealed covers, which have been opened and taken on record and marked as Annexures ‘A1’, ‘A2’ and ‘A3’ in the respective petitions. Perusal of the same reveals as below:-

**A. CWP-16631-2022**

Petitioner No.1 scored aggregate of 44 marks and petitioner No.2 scored aggregate of 51 marks.

**B. CWP-23702-2022**

Petitioner scored aggregate of 51 marks.

**C. CWP-24997-2022**

Petitioner No.1 scored aggregate of 39 marks, petitioner No.2 scored aggregate of 28.50 marks, petitioner No.3 scored aggregate of 33 marks and petitioner No.4 scored aggregate of 48 marks.

7. On a Court query, learned State counsel submits that the petitioners have secured much lesser than the last selected candidate, who scored 59 marks in the category the petitioners had applied.

7.1 Perusal of the final result dated 10.03.2022 (Annexure P-4) reveals that although all the petitioners secured lesser marks than the last selected candidate in the General Category, but the last selected candidate in the General Waiting list has secured 51 marks.

As per result of the petitioners brought herein in the Court, petitioner No.2, namely Anjani in CWP-16631-2022 and petitioner, namely Naincy Adhana in CWP-23702-2022 also seem to have secured aggregate of 51 marks i.e., equivalent to the last selected candidate in General Waiting list. Roll number of petitioner in CWP-23072-2022 is reflected in the General Waiting List in the aforesaid result.

8. In the premise, it seems that being unaware of their actual result, the petitioners were misled into filing the instant petitions, premised on an understanding that they have secured more marks than the last selected candidate.

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

10. As regards the allegations that some of the selected candidates did not have diploma as on the cut-off date, there is no material on record to support the said contention. This Court is not inclined to interfere under extraordinary writ jurisdiction to tread the path of fact finding enquiry, merely on the basis of supporting affidavit qua the roving allegations, as aforesaid.

11. Dismissed.

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

**(ARUN MONGA)**  
**JUDGE**

**November 29, 2022**

mahavir

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No