

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

CWP-10315-2019 (O&M)

Date of decision: September 12, 2022

Diwan Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vishal Nehra, Advocate for the petitioner.

Mr. R.K.S. Brar, Additional AG Haryana.

Mr. Kanwal Goyal, Advocate,
Mr. Govind Tanwar, Advocate for the respondent-HPSC.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for setting aside impugned letter/order dated 28.03.2019 (Annexure P-7) whereby application for the post of Assistant District Attorney (Group-B) of the petitioner has been rejected on the ground that petitioner has not been enrolled as an Advocate with the Bar Council and retired after closing date i.e. 08.06.2017 as per the Advertisement No.2/2017 dated 09.05.2017 (Annexure P-1).

2. Pledged case is that being fully eligible, petitioner applied for the post of Assistant District Attorney (Group-B) in the Prosecution Department, Haryana under the Ex-Serviceman Category, after obtaining No Objection Certificate dated 02.07.2016 from the Commanding Officer, Indian Air Force. A corrigendum dated 19.06.2018 (Annexure P4) was issued and

number of posts was revised from 180 to 190 and last date of submission of online application was also extended from 09.05.2017 to 06.07.2018. Written examination was held and thereafter, result was declared on 06.03.2019. Roll number of the petitioner was found mentioned under ESM-BCB category. Vide impugned letter/order dated 28.03.2019 (Annexure P-7), application of the petitioner was rejected.

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

4. Vide order dated 22.04.2019, petitioner was allowed to be interviewed provisionally and his result be kept in a sealed cover. Now result has been declared and the same reveals that petitioner secured aggregate of 62.42 marks. On a Court query, learned counsel for the respondent-Commission under instructions submits that petitioner secured lesser marks than the last selected candidate, who scored 65.32 marks.

5. In the premise, it seems that being unaware of his actual result, the petitioner was misled into filing and pursuing the instant petition premised on an understanding that he has secured more marks than the last selected candidate.

6. The result of the petitioner is not under challenge before this Court.

7. As regards claim of the petitioner to be considered in Ex-Serviceman category, which was negated by the Commission, even if the same is allowed, petitioner still would not make the cut as the last selected candidate in the BCB-ESM category is stated to have scored more marks than the petitioner as borne out from the result.

8. As regards allegations that answer-sheet of the petitioner was not properly evaluated, I see no grounds for interference at this stage, as it is not for this Court to become an examiner and substitute or superimpose its opinion on the evaluation carried out by the experts. It was open for the petitioner to file objections in case, he was aggrieved and/ or had any apprehension that his answers despite being correct have not been given due credence. It so appears that petitioner had indeed taken his remedy by filing objections. Such objections have been duly dealt with by the expert Committee and therefore, this Court would not once again sit in an appeal over the report rendered by the Committee based whereon whatever necessary corrective measures were required to be taken, have been taken by the Commission.

9. No grounds for interference are made out.

10. Dismissed.

11. At this stage, learned counsel for the petitioner submits that in any case if it is later found that petitioner's marks are more than the last selected candidate, he may be allowed to approach the Court.

12. May do so by filing appropriate application.

(ARUN MONGA)
JUDGE

September 12, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No