

116.

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

CWP-11237-2022

Date of Decision: 24.05.2022

NARESH

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

JAISHREE THAKUR.J (Oral)

The petitioner herein seeks a writ to be issued in the nature of Mandamus directing the respondent to grant him 4 marks on account of having higher qualification i.e. graduation in B.Com. and to offer him appointment to the post of Male Constable.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner herein had applied for appointment to the post of Constable pursuant to an advertisement that was issued in the year 2018. It is submitted that the petitioner inadvertently could not upload his graduation marks though he had the necessary qualification to do so. It is further submitted that at the time of scrutiny, the petitioner had supplied the necessary documents and, therefore, had legitimate expectation that he would be awarded 4 marks for the said additional qualification. It is also submitted that in similar circumstances, 4 marks have been given by the Commission to

candidates, who were not able to upload their detailed marks in the application form, and have been offered appointment. He would rely upon orders passed in CWP No.3841 of 2019, decided on 21.02.2019 (Annexure P-12); CWP No.14940 of 2020, decided on 21.09.2020 (Annexure P-13) and CWP No.5860 of 2020, decided on 27.10.2020 (Annexure P-14). Counsel would further state that the petitioner had made a representation on 10.04.2019 (Annexure P-9) and on 22.07.2019 (Annexure P-10) and would be satisfied in case the latest representation Annexure P-10 is decided in a time bound manner.

Notice of motion.

At this stage, Ms. Kirti Singh, DAG, Haryana, who is present in the Court, accepts notice on behalf of the respondents and would submit that the representation of the petitioner will be decided in accordance with law.

I have gone through the pleadings of the case and the judgments as relied upon by the petitioner herein.

Without commenting on merits of the case, the writ petition is disposed of by giving a direction to the respondent Commission to consider the case of the petitioner as contained in representation dated 22.07.2019 (Annexure P-10). In case he had supplied the relevant document pertaining to his graduation at the time of scrutiny, his representation be disposed of by passing a speaking order while also considering the judgments as relied upon. Let the needful be done within a period of 4 weeks on receipt of certified copy of this order, in accordance with law and convey the decision to the petitioner. In case of failure to do so, the officer responsible for the

lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

24.05.2022

sanjeev

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No