

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

CWP No.11452 of 2019

Date of Decision.30.03.2022

Deepak Panghal

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Tapan Kumar, DAG, Haryana.

JAISHREE THAKUR J. (ORAL)

The petitioner herein has approached this Court by way of filing the instant writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari to quash final result Annexure P8 and a mandamus to offer appointment to the petitioner as Constable (Male), General Duty in Haryana Police force.

In brief, the facts of this case are that pursuant to an advertisement dated 16.04.2018, the petitioner applied for the post of Constable (Male), General Duty in Haryana Police force. He undertook the written examination and after having qualified the same, also passed the Physical Screening Test and Physical Measurement Test. He was awarded 54.6 marks, which included 49.6 marks in written examination and 5 marks under the Socio Economic Criteria. However, 04 marks under the higher qualification criteria was not allocated to him, which if allowed, the petitioner would have got 58.60 marks, bringing him to the selection zone. Aggrieved against the denial of those 04 marks, the petitioner has filed this instant petition.

During the pendency of these proceedings, the claim of the

petitioner was looked into and the benefit of higher qualification has been allocated to him, giving him a total marks of 58.60, which brought him into the zone of consideration for selection and consequent thereto, a recommendation was made by the Haryana Staff Selection Commission for his appointment vide letter dated 25.07.2021 and petitioner is now in service. It is submitted that though the petitioner has joined service, pursuant to the recommendation made on 25.07.2021, persons having lesser marks are now being shown as senior to the petitioner, having joined on an earlier date. It is further submitted that in fact once his marks are taken to be as 58.60, his date of joining should be considered as the same, when the others joined and he should be placed at an appropriate place in the merit list. It is stated that the petitioner would claim all consequential benefits other than monetary benefits, to be accorded to him.

Counsel for the respondent-State submits that grievance of the petitioner in the writ petition does not survive as he has already joined as a Constable, pursuant to the recommendation made on 25.07.2021.

I have heard counsel for the parties and in view of the fact that the petitioner herein has only been allowed to join after recommendation on 25.07.2021, after recasting of his marks, I deem it appropriate to dispose of this petition while giving liberty to the petitioner to approach the authorities concerned, for his seniority in the merit list and all other consequential benefits other than monetary benefits that would flow. The needful will be done within a period of six months from the day the representation is filed.

(JAISHREE THAKUR)
JUDGE

March 30, 2022

P.Bhatt

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No