

109-B

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12121-2022

Date of Decision: 29.07.2022

SHISH PAL

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Varlin Garg, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 28.04.2021 (Annexure P-20) whereby his claim was rejected without deciding the objections dated 14.10.2019 for selection and appointment on the post of Clerk against advertisement No.05/2019 dated 20.06.2019 (Annexure P-1). Further prayer has been made to direct the respondent-Commission to bring on record the material available with examiner/Commission with regard to Questions No.12, 15 and 44 of question paper Code-J Morning Shift (in short M/1) dated 22.09.2019 for correctness of answers of the respondent Commission as per revised answer key of the said question paper against which the petitioner is claiming the grace marks for the said questions.

2. Petitioner also submitted a representation dated 01.12.2020 (Annexure P-17) requesting the respondent-Commission to decide the objection and grant three marks for the same, but the same has not been adverted till date. Petitioner's claim is based on the fact that if he were awarded grace marks of three questions, he would be in the selection zone. The respondent-Commission, in compliance of orders of this Court in **CWP-15672-2021** titled as *Amit Kumar and others vs State of Haryana and others* decided on **25.04.2022** filed by other similarly situated candidates, declared the

fresh/revised result on 17.05.2022 for scrutiny of documents for 4798 posts of Clerk without deciding the objection filed and/or representation submitted by the petitioner. Hence, the present petition.

3. On advance service, learned State counsel appears and submits that a decision will be taken by the competent authority, either way, on the pending representation dated 01.12.2020 (Annexure P-17) by passing a speaking order.

4. At this stage, learned counsel for the petitioner also seeks decision on the pending representation as suggested by learned State counsel.

5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. Without commenting on the merits of the case, the instant writ petition is disposed of with a direction to the respondents to look into the representation dated 01.12.2020 (Annexure P-17) of the petitioner and pass an administrative order, in accordance with law within a period of 30 days from today. The petitioner is at liberty to give supplementary representation in case he wishes to place some additional material on record.

7. Disposed of accordingly.

July 29, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No