

258 4th case

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12271-2020

Date of decision: 27.07.2022

Kanta Devi

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Abhimanyu Singh, Advocate,
For the petitioner.

Ms. Mamta Singla Talwar, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing respondent No.2 to allow the petitioner to appear in the interview/viva voce provisionally pursuant to order passed in **CWP No.10815-2020** titled “***Dinesh Kumar Yadav Vs. State of Haryana and another***” who is similarly situated as the petitioner and was provisionally allowed by this Court vide order dated 29.07.2020 (Annexure P-6) to appear in the interview.

Learned State counsel strenuously opposes the petition and relies on para 5 of the reply filed on behalf of respondent No.2.

I have heard learned counsel for parties and gone through the case file. The claim of the petitioner is not admissible in view of the candid stand taken by the respondents in para 5 of reply, which is reproduced herein below for ready reference:

“5. That the main contention of the petitioner in the present writ petition is to allow the petitioner to appear in the interview/viva voce as the petitioner has cleared the written exam and also appeared for scrutiny of documents. In this regard it is submitted that the petitioner

*has secured 42 marks in the written examination and was also found eligible in scrutiny of documents on 21.05.2017 but the cut off marks in her respective category i.e. SC category is 46 marks. Therefore, due to lesser marks than the last shortlisted candidate, the petitioner was not shortlisted for interview for the post in question. The copy of notice of interview dated 11.08.2017 to the shortlisted candidates, having the detail of marks secured by the last candidate in each category is annexed as **Annexure R-2/1**. It is also worthwhile to mention here that the final result for the post of Staff Nurse (except SBC category posts) was declared by Respondent Commission on 31.01.2018.”*

Neither any replication has been filed to the afore noted stand of the respondents nor any additional affidavit of any kind to controvert the same. Even otherwise aforesaid Annexure R-2/1 has not been challenged.

Result of the petitioner, who has concededly scored lesser marks than the last selected candidate, is not under challenge in the instant petition. It seems that petitioner was under the wrong impression at the time of filing the instant petition that based on her performance, she would qualify.

Being not so, no grounds are made out to interfere.

Dismissed.

(ARUN MONGA)
JUDGE

July 27, 2022
vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No