

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

CWP- 15160-2022 (O&M)

Date of decision: 18.07.2022

Mamta Rani

...Petitioner

Versus

Haryana Staff Selection Commission and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Shailender Kashyap, Advocate,
For the petitioner.

Ms. Harsh Rekha Kapoor, AAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari for setting aside impugned order dated 19.04.2022 (Annexure P-12) vide which her representation seeking appointment on the post of Multi Purpose Health Worker Female under Economically Backward Persons in General Castes (EBPGC) category has been rejected.

2. Brief facts of the case as pleaded are that petitioner earlier filed CWP-20299-2020 and the same was withdrawn by the petitioner vide order dated 27.11.2020 (Annexure P-6) with liberty to approach the respondent-Commission for redressal of her grievances. In compliance of the order dated 27.11.2020, the Secretary, Haryana Staff Selection Commission passed order dated 09.02.2021 (Annexure P-7) directing the petitioner to approach respondent No.2-Director General of Health, Haryana. Despite making representation dated 22.02.2021 (Annexure P-8) followed by reminder dated 17.08.2021 (Annexure P-9) to respondent No.2, no action was taken whereupon petitioner was compelled to file

second CWP-1571-2022, which was disposed of vide order dated 15.03.2022 (Annexure P-11) with a direction to decide the representations of the petitioner within 60 days. It was also ordered that till passing of orders, the post lying vacant shall not be filled up. Pertinently, learned State counsel had specifically stated on that day that one post of Multi Purpose Health Worker (Female) in the category in which the petitioner has applied is lying vacant. Thereafter, in compliance of order dated 15.03.2022 (Annexure P-11) passed by this Court in CWP-1571-2022, respondent, vide order dated 19.04.2022 (Annexure P-12) which is impugned herein, has rejected the claim of the petitioner while deciding her representation. Hence, the writ petition.

3. Learned counsel for the petitioner submits that as per result dated 18.07.2018 (Annexure P-4) declared by respondent No.1, the roll number of the petitioner was reflected at Sr. No.1 out of the total 5 candidates and as per reply of RTI dated 07.02.2020 (Annexure P-6) one post under the EBP GC category is still vacant. He contends that the impugned order is in contradiction to the records of the case and against the statement made by the respondent in CWP-1571-2022 that one post under the same category is still vacant.

4. I have heard learned counsel for the parties and gone through the case file.

5. On advance service, learned State counsel appears and justifies the impugned order. For the reasons stated herein, she unequivocally submits that no candidate having lesser marks than the

petitioner has been appointed and merit list has been prepared strictly in accordance with law. Merely because petitioner is in the waiting list, she cannot be considered for appointment and those who are above her have been appointed as per the merit. She would argue that waiting list is to be given effect to only after post offered to those who were in the main selection list remains unfilled pursuant to the same selection process.

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

7. Dismissed.

JULY 18, 2022

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No