

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

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CWP-14572-2022

Date of decision : 12.07.2022

Bittu Kumar

... Petitioner

Versus

Haryana Staff Selection Commission and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Samrat Malik, Advocate and
Mr. Varunveer Chauhan, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the orders dated 30.06.2022 and 04.07.2022 (Annexures P-3 and P-4) passed by respondents No.1 and 2 respectively whereby his services have been terminated.

Learned counsel for the petitioner submits that the petitioner had applied for the post of Clerk under general category in pursuance to the advertisement issued on 20.06.2019. The petitioner was found successful and duly selected as Clerk but some unsuccessful candidates had preferred a writ petition bearing CWP No.15672 of 2021, titled as '*Amit Kumar and others versus State of Haryana and others*' alleging several discrepancies in the answer key. This Court vide order dated 25.04.2022 had directed the respondents to revise the selection after correcting errors in the answer key and issue show cause notices to those candidates who were appointed but have not figured in the revised merit list. After revision of the result, the petitioner has secured 67 marks and the last selected candidate in general category has secured 69 marks. The petitioner has erroneously not been granted five marks under the socio-economic criteria even though his father had expired before he was 42 years of age. He further submits that in the event of the petitioner being awarded five marks under the

socio-economic criteria, he would get a total of 72 marks which are more than the last selected candidate in general category. The respondents, in pursuance to the directions of this Court in the case of *Amit Kumar and others versus State of Haryana and others* (supra), had to issue a show cause notice to the petitioner but his services have been terminated by the impugned order dated 04.07.2022 (Annexure P-4) without issuance thereof which indicates arbitrariness and high handedness on the part of the respondents.

Issue notice to the respondents.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of the respondents.

Heard.

It is apparent that the services of the petitioner have been terminated without issuance of a show cause notice. He has sought five marks under the socio-economic criteria as his father is stated to have expired before he was 42 years of age. This would call for consideration.

Consequently, the petition is allowed and the impugned orders dated 30.06.2022 and 04.07.2022 (Annexures P-3 and P-4) passed by respondents No.1 and 2 respectively qua the petitioner are set aside. However, the respondents would be at liberty to serve a notice to the petitioner and the petitioner would submit his reply within seven days. The respondents after considering the reply would pass a speaking order in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

July 12, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No