

112.

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

CWP-15175-2022

Date of Decision: 29.07.2022

NEHA

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jasbir Mor, Advocate, for the petitioner.

JAISHREE THAKUR.J (Oral)

The petitioner herein has approached this Court seeking a writ in the nature of certiorari to set aside the final list as prepared, with a further prayer for issuance of a writ in the nature of mandamus directing the respondent Commission to consider the case of the petitioner for grant of additional 5 marks.

Counsel appearing on behalf of the petitioner would contend that the petitioner would be entitled to additional 5 marks on account of being the first child whose father had died before she attained the age of 15 years, which benefit has been denied to her. He would further submit that additional 5 marks cannot be denied to her only on the ground that she did not mention whether she was the first or the second child. It is submitted that the issue is no longer *res integra* having already been decided by this Court in CWP No.11894 of 2021, titled as ***Nisha Versus Haryana Staff Selection Commission***, on 30.07.2021, which has attained finality.

At this stage counsel for the petitioner would submit that the petitioner would be satisfied in case her instant writ petition itself be treated

as a detailed representation and the same is decided in the light of judgment rendered in *Nisha's case* (supra).

Notice of motion.

At this stage, Ms. Kirti Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondents.

In view of the limited prayer made by counsel for the petitioner, without commenting on merits of the case, the instant writ petition is disposed of with the observations that this writ petition itself would be treated as a detailed representation on behalf of the petitioner and the respondents shall decide the case of the petitioner for grant of additional 5 marks on account of the fact that she is the first child and her father had expired before she had attained the age of 15 years. The respondents would take the appropriate decision in the matter within a period of 6 weeks from the date of receipt of certified copy of this order, in accordance with law and convey the decision to the petitioner. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

Any appointment offered to any other candidate having lesser marks than the petitioner herein would be subject to the decision taken.

(JAISHREE THAKUR)
JUDGE

29.07.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No