

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

CWP-15553-2020 (O&M)

Date of decision: August 31, 2022

Bheem

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jasbir Mor, 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 Certiorari for quashing impugned action of the respondent-Commission by ignoring the selection criteria and preparing and determining the merit list for the selection on the post of Group D against the advertisement dated 25.08.2018 (Annexure P-1) by taking the factor of age i.e. elder in age (as orally directed by respondent-Commission) shall be placed higher to a younger candidate in case two or more candidates have scored equal marks instead of taking the marks of written test of the candidates for determining the list on the basis of marks in the written test in case two or more candidates have the same aggregate score.

2. Pledged case is that petitioner applied for the post of Group D under the BCA category as per advertisement No.4/2018 dated 25.08.2018 (Annexure P-1). Final result/ selection was declared on 19.01.2019 (Annexure P-6). Name of the petitioner did not find mention in the main

selection list or in the waiting list. Commission later on, declared the individual results of all the candidates and petitioner scored 57 marks in the written and 5 marks towards socio-economic criteria, thus, making aggregate of 62 marks (Annexure P-7). As per result, last selected candidate having 63 marks was selected for the post in question under BCA category. And one candidate having 62 marks was placed in the waiting list (Annexure P-8). Petitioner securing equal marks to the candidate in the waiting list, approached the respondent-Commission. It was orally informed that petitioner is younger in age to the last candidate placed in the waiting list in the BCA category, and therefore, was not selected for the post in question.

3. I have heard rival contentions of the parties and perused the record.

4. Concededly age of the petitioner is not in dispute and he being younger has not been appointed though he has scored the equivalent marks as those of the last selected candidate who was in the waiting list, but being elder in age has been given the benefit of his performance.

5. In view of the aforesaid, no grounds for interference are made out.

6. Dismissed. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 31, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No