

112.

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

CWP-17027-2022 (O&M)

Date of Decision: 04.08.2022

ROHIT BAIRAGI AND OTHERS

.... Petitioners

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajat Mor, Advocate,
for the petitioners.

JAISHREE THAKUR.J (Oral)

CM-11598-CWP-2022

Application is allowed, as prayed for.

CWP-17027-2022

The petitioners herein are seeking a writ in the nature of mandamus directing the respondents to consider their date of appointment from the date their juniors/counterparts were given appointments, and also to give them all consequential benefits.

The brief facts of the case are that the petitioners participated in the selection process for the post of Male Constable, advertised vide advertisement No.3/2018, however, in the final result that was declared on 28.02.2019, they did not find their names in the list of selected candidates. When the detail marks were uploaded on the official website, they came to know that they have not been awarded marks under different heads.

Aggrieved against the inaction of the respondent-Commission, they approached this Court by way of filing separate writ petitions, which were disposed of with a direction to the respondent-Commission to consider their claim and, if found tenable, then revise the merit list and offer them appointment. Ultimately, their claim was accepted by the Commission and their names were recommended for appointment. Thereafter, the petitioners joined on the post of Male Constable (General Duty).

The grievance of the petitioners is that because of the mistake committed by the respondent-Commission in not awarding them marks under different heads, they have been deprived of the benefits which were given to their juniors/counterparts way back in March, 2019. They are seeking the consequential benefits from that period.

Notice of motion.

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

In view of the fact that the petitioners, after grant of benefits under different heads, having been given employment subsequently, are entitled to be considered for grant of all consequential benefits which have been granted to the candidates who were appointed with same/lesser marks than the petitioners under the same recruitment drive.

Accordingly, the instant writ petition is disposed of with a direction that the respondents shall consider the claim of the petitioners for the benefits which have been granted to the candidates who are similarly situated, since for no fault of the petitioners, they had been deprived of the appointment at the time when those were selected/appointed. Let the

necessary exercise be completed within a period of one month from the date of receipt of certified copy of this order.

(JAISHREE THAKUR)
JUDGE

04.08.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No