

108.

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

CWP-17002-2022 (O&M)

Date of Decision: 04.08.2022

CHANCHAL

.... Petitioner

Versus

STATE OF HARYANA AND OTEHRS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

JAISHREE THAKUR.J (Oral)

CM-11589-CWP-2022

Application is allowed, as prayed for.

CWP-17002-2022

The petitioner herein is seeking a writ in the nature of mandamus directing the respondents to consider his date of appointment from the date his juniors/counterparts were given appointments, and also to give him all consequential benefits.

The brief facts of the case are that the petitioner participated in the selection process for the post of Male Constable, under BCB category, advertised vide advertisement No.3/2018, however, in the final result that was declared on 28.02.2019, he did not find his name in the list of selected candidates. When the detail marks were uploaded on the official website, he came to know that he has not been awarded 5 marks under the socio-

economic criteria. Aggrieved against the inaction of the respondent-Commission, he approached this Court by way of CWP No.17349 of 2020, which was disposed of vide order dated 16.10.2020 with a direction to the respondent-Commission to consider his claim and, if found tenable, then revise the merit list and offer him appointment. Ultimately, his claim was accepted by the Commission and vide letter dated 25.07.2021, he was recommended for appointment. The petitioner joined on the post of Male Constable (General Duty) on 24.01.2022 and was allotted merit No.3074-A.

The grievance of the petitioner is that because of the mistake committed by the respondent-Commission in not awarding him 5 marks under the socio-economic criteria, he has been deprived of the benefits which were given to his juniors/counterparts way back in March, 2019. He is 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 petitioner, after grant of benefit of 5 marks under the socio-economic criteria, having been given employment subsequently, is 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 him 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 petitioner for the benefits which have been granted to the candidates who are similarly situated, since for no fault of the petitioner, he 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