

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

CWP-17252-2022 (O&M)

Date of decision: August 05, 2022

Ramesh

...Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Mohinder Singh Kathuria, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for setting aside the provisional final result dated 01.08.2022 (Annexure P-4) and subsequent proceedings arising thereon, against Advt. No.01/2021-22 (HWC-CP)/672 dated 20.03.2022 (Annexure P-1) for the post of Mid-Level health Providers-cum-Community Health Officers (MLHPs-cum-CHOs) on contract basis.

2. Succinct factual background first. Respondent No.2 issued advertisement on 20.03.2022 (Annexure P-1) inviting applications for 787 posts (771 new + 16 backlog) for appointment to the post of Mid-Level health Providers-cum-Community Health Officers (MLHPs-cum-CHOs) on contract basis under the National Health Mission for providing comprehensive primary health care services at “Sub Centre Level Health and Wellness Centres” being upgraded under Ayushman Bharat in 18 Districts under different categories. Petitioner who is already working as Community

Health Officer in Haryana at PHC-Boh, District Ambala applied for the said post. Written examination was held and the petitioner secured 58 marks in the written examination, and thus, was called for verification of documents. On 13.05.2022, during the process of verification, petitioner presented his qualification certificates along with certificate in Community Health issued by the Indira Gandhi National Open University, for being eligible to get five additional marks over and above the marks secured in the written test. Petitioner was not accorded the benefit of five additional marks and final provisional result dated 01.08.2022 (Annexure P-4) was issued, and the petitioner was shown at Sr. No.3 in the said list. Two other candidates above the petitioner in the SC category who secured 54 & 56 marks in the written examinations were awarded 5 additional marks.

3. In course of hearing, learned State counsel has furnished a copy of online application form, which clearly reflects that every page of the application form in the bold in the bottom flashes that the candidate is supposed to have undergone integrated 6 months BPCCHN course and details thereof were required to be entered while filling up the application form.

4. Per contra, learned counsel for the petitioner has submitted that the petitioner was under the impression that such information has to be provided at the time of scrutiny of documents.

5. Petitioner ought to have come clean by appending the copy of online application form *ibid*, which has been concealed while filling up the petition knowing-fully well that information was required to be furnished on the part of every candidate at the time of filling up the online application

form. The insipid argument of learned counsel for the petitioner relying on the list of candidates from Sr. No.1336 & 1337 as per the provisional final result dated 01.08.2022 (Annexure P-4) that all those candidates did not disclose that they had the requisite certificate and yet have been given the benefit thereof, despite non-disclosure, is being noted only to be rejected as a bare perusal of the result *ibid* itself reflects that none of the candidates was given any such benefit. Learned State counsel, under instructions from Sh. Prabhjot Singh, Mission Director, National Health Mission, Haryana who is present in the Court, gives an undertaking that none of the candidates, who did not disclose the information on his/ her part, has been given any such benefit.

6. In the premise, I do not find any grounds for interference.

7. Dismissed.

(ARUN MONGA)
JUDGE

August 05, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No