

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

CWP-26326-2013 (O&M)

DATE OF DECISION: 31.08.2022

Manisha

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.Kanwaljit Singh, Advocate with
Mr. Rahul Gautam, Advocate and
Ms. Shazia K. Singh, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate for
Respondents No.5, 8, 10 to 13, 15, 16, 18, 21 to 24 26 to 31,
33, 34, 37 to 42, 44, 46 to 50, 52 to 54, 56 to 59, 61, 62, 64 to
66, 71 to 73, 76 to 78, 80, 82 to 85, 90, 92 to 100, 102 to 107,
111 to 117 and 119 to 121.

Mr. Sajjan Singh, Advocate and Mr. Sandeep Kumar,
Advocate for respondent No.7.

Mr. J.S. Dahiya, Advocate for respondents No.17,
20, 25, 67 and 89.

Mr. Abhijeet Singh, Advocate for
Mr. Rajesh Lamba, Advocate for respondent No.35.

Mr. Manjeet Singh, Advocate for respondent No.36.

Mr. Anuj Malik, Advocate
For the respondents No. 68 and 79.

Mr. Abhimanyu Singh and Mr. Shiv Kumar Rana,
Advocates for respondent No.108.

ARUN MONGA, J. (ORAL)

Petition herein *inter alia* is for issuance of a writ in the nature of certiorari for quashing the result dated 4.10.2013 (Annexure P-5), as well as, the final selection list vide which 278 posts for Female Supervisor in the Woman and Child Development Department, Haryana have been filled up pursuant to Advt. No. 01/2011 Cat. No. 3.

The facts of the case and the merits thereof need not be gone into at this stage, since matter was earlier heard at length by Ajay Tewari J., (as he then was in this Court) and following order dated 17.02.2017 was passed:-

“Pursuant to the last order, affidavit of Smt. Shashi Doon, Additional Director, Women and Child Development Department on behalf of respondent No.3 has been filed.

As per the same, respondents No.4, 9, 17, 20, 25, 35, 36, 43, 45, 51, 55, 60, 67, 68, 74, 75, 81, 86, 87, 89 and 118 have been duly informed about the next date of hearing, vide memo. dated 3.2.2017.

Service is deemed to be complete.

Learned senior counsel for the petitioner points out that in this selection of 2013, only the petitioner has sought relief and as per his information, 3 candidates were debarred from joining because their certificates were found to be bogus and consequently there are three vacancies, and states that in this view of the matter, the official respondents can well be directed to consider the claim of the petitioner.

Learned Addl. AG Haryana seeks a short adjournment.

Adjourned to 21.4.2017.”(Emphasis supplied).

Thereafter, matter has been pending in this Court for more than 5 years. No doubt, during the intervening pandemic period, certain delays were unavoidable. Regardless, even if two years are attributable to pandemic, it is rather intriguing that department has still taken more than three years to react to the aforesaid order. In the premise, I am left with no choice but to draw an adverse inference and dispose of the petition with a

direction to the respondents that, subject to availability of post as on today, candidature of the petitioner be considered. In case, she is found eligible and meritorious, she be accorded benefit thereof. However, it is made clear that, in case, any favourable order is passed, for the period she remained out of service, she will not be entitled to any monetary benefits on the principle of 'no work no pay'. She shall be also be put on the bottom of the seniority list, in the category she had originally applied.

Needful exercise be carried out within a period of two months from the date petitioner approaches the competent authority with copy of the instant order. Webprint of the court order shall suffice.

Disposed of accordingly.

AUGUST 31, 2022
Monika

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No