

111.

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

CWP-18470-2022

Date of Decision: 23.08.2022

DINESH KUMAR AND ORS.

.... Petitioners

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

JAISHREE THAKUR.J

The petitioners herein are seeking a writ in the nature of mandamus directing the respondents to issue notices to the candidates selected for the post of Male Constable, advertised on 16.04.2018 (Annexure P-1) for verification of their respective certificates forming basis for granting 5 marks to them under the socio-economic criteria and also to make comparison of their signatures, in view of order dated 30.07.2018 passed in ***Review Application No.462 of 2017 in CWP No.14519 of 2017*** titled as ***Rajesh Kumar Versus State of Haryana and others*** (Annexure P-9).

In brief, the facts leading to the filing of the present writ petition are that an advertisement No.03/2018, dated 16.04.2018 was issued by the Haryana Staff Selection Commission, Panchkula, inviting applications to fill up 5000 posts of Male Constable (General Duty), out of which, 2300 posts were meant for General Category. The requisite qualifications prescribed

pertaining to education, physical screening test, physical measurement test etc. were detailed in the advertisement. Additional marks were to be given for higher education and weightage of 5 marks was also to be given in case no member from the applicant's family was in government service. 5 marks were to be given in case the applicant was a widow or orphan. 5 marks for belonging to a de-notified tribe as well as 8 marks for experience etc. were also to be provided. The petitioners, who were in possession of minimum educational qualification, applied for the post and after having participated in the written test and the physical measurement test, somehow did not find their names mentioned in the merit list.

The petitioners, unsuccessful candidates, have challenged the entire selection process by contending that the entire selection process was in contravention to the judgment as rendered in ***Rajesh Kumar's case (supra)***, wherein specific directions were given as to how Haryana Staff Selection Commission is to conduct any selection. As per the directions issued, scientific verification of each and every candidate was to be got done before giving appointment. It is submitted that the candidates have been appointed without verification of their documents regarding their eligibility of getting extra marks under the socio-economic criteria and no biometric/scientific verification has been done which would not rule out the possibility of impersonation at the time of written examination. It is submitted that pursuant to the directions issued, the procedure prescribed has been followed in the subsequent selections. Therefore, as there has been direct violation of the directions given by the High Court in ***Rajesh Kumar's case (supra)***

regarding the procedure to be followed, the entire selection of Constables is vitiated.

I have heard learned counsel for the petitioner and find that there is no merit in the instant writ petition. Admittedly, the judgment rendered in ***Rajesh Kumar's case (supra)***, dated 30.07.2018, gave certain directions regarding how to conduct examinations and set out a procedure to be followed so that the question of impersonation and submission of false documents could be ruled out. The petitioners herein are seeking to set aside the entire selection process which has been completed. The written test was held much later as the last date for applying under the said advertisement was extended upto 25.10.2018. The final result has been declared pursuant to which appointments have already been offered. The petitioners herein, who are unsuccessful candidates, chose not to challenge the selection process on the very grounds as raised in the writ petition at the relevant time. Even if the directions in ***Rajesh Kumar's case (supra)*** were not followed as contended by the counsel for the petitioners, the cause of action arose in the year 2018 when the petitioners and other candidates were undertaking written examination, appearing for their physical measurement test, submission of documents etc. For reasons best known to the petitioners, they chose to keep quiet and raised no objection whatsoever. At this belated stage when the entire selection process is over and appointments offered, the petitioners cannot be permitted to upset the entire selection process.

The writ petition is liable to be dismissed in limine on two fold grounds, i.e. on account of delay and laches and on account of non-

impleading of all those persons who would have been affected by any adverse order being passed.

Ordered accordingly.

(JAISHREE THAKUR)
JUDGE

23.08.2022
sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No