

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

LPA Nos. 1355 and 1361 of 2019 (O & M)

LPA No. 886 of 2020 (O & M)

LPA No. 10 of 2021 (O & M)

Date of Decision: 17.03.2022

Haryana Staff Selection Commission

.....Appellant(s)

vs.

Monika and others

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Hitesh Pandit, Addl. A.G., Haryana
for the appellant.

Mr. Amit Rao, Advocate,
for the University.

(Proceedings are being conducted through video conferencing,
as per instructions).

G.S. SANDHAWALIA, J. (Oral)

The present judgment shall dispose of 4 appeals i.e. LPA Nos. 1355 and 1361 of 2019, LPA No. 886 of 2020 and LPA No. 10 of 2021 as common questions of facts and law are involved in all the appeals. Reference is being made to ***LPA No. 1355 of 2019, Haryana Staff Selection Commission vs. Monika and others.***

Refiling Applications

Applications for condonation of delay ranging from 235 to 555 days in refiling the appeals are allowed, in view of the averments made in the applications supported by affidavit.

Delay ranging from 235 to 555 days in refiling the appeals is condoned.

Applications stand disposed of.

Filing Applications

Applications for condonation of delay of 20 days in filing the appeals are allowed, in view of the averments made in the applications supported by affidavit.

Delay of 20 days in filing the appeals is condoned.

Applications stand disposed of.

Main Appeals

The present set of appeals are directed against the separate orders passed by the learned Single Judge in CWP No. 6524 of 2017, Arjun Singh and another vs. State of Haryana and others decided on 05.09.2018, CWP No. 2731 of 2017, Vineet vs. State of Haryana and others decided on 05.09.2018 and CWP No. 4471 of 2017, Himanshu Sharma vs. State of Haryana and others decided on 10.08.2018.

In principle, the learned Single Judge as such had allowed the writ petitions on the ground that the confidential result which was given by the University to the candidates/applicants before the cut off date should be taken into consideration. The view was taken on account of the decision in ***CWP No. 27021 of 2016, Priyanka and others vs. State of Haryana and others*** decided on 23.10.2017. Reliance was also placed upon ***LPA No. 362 of 2018, Haryana Staff Selection Commission vs. Priyanka and others*** decided on 10.10.2018, which had upheld the said view.

It is a matter of record that the said view as such has been further upheld by the Apex Court in ***Civil Appeal Nos. 5065-5095 of 2021, Haryana Staff Selection Commission vs. Priyanka and others*** on 01.09.2021. Relevant portion of the same reads thus:-

“The short question which was raised before the

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High Court and also before us is as to whether the provisional/confidential result declared by the Universities would be a validly declared result or not. The question has been considered by the High Court in detail and it has been held in favour of the candidates. In our view also, as long as the authenticity of the provisional/confidential result declared by the Universities is not in doubt, which in the present case has been confirmed by the Universities on the request made by the appellant/commission, the view taken by the High Court is perfectly justified. It cannot be said that the respondents were not qualified as on the cut off date, which was 12.10.2015, as the provisional/confidential result had been declared by the respective Universities in favour of the candidates prior to the said date and the applications were filed by the respondents well within time, along with such provisional/confidential result. As such, to this extent, we are not inclined to interfere with the order impugned in these appeals.”

Counsel for the State very fairly concedes that in view the above, the present appeals are liable to be dismissed.

Ordered accordingly.

All pending applications are also disposed of accordingly.

(G.S. SANDHAWALIA)
JUDGE

17.03.2022
shivani

(VIKAS SURI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No