

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

**Date of decision: August 22, 2022**

**1. CWP-25922-2016 (O&M)**

Pardeep Singh

...Petitioner

versus

State of Haryana and others

....Respondents

**2. CWP-2153-2017 (O&M)**

Dinesh Kumar

...Petitioner

versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:-** Mr. S.S. Malik, Advocate for the petitioner  
in CWP-25922-2016.

None for the petitioner in CWP-2153-2017.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. R.K. Malik, Senior Advocate with  
Mr. Sandeep Dhull, Advocate  
for respondents No.3 to 7 in CWP-25922-2016.

Mr. Naveen Daryal, Advocate for respondent No.12 in  
CWP-25922-2016

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**ARUN MONGA, J. (ORAL)**

Vide this common order and judgment, bunch of above-mentioned two writ petitions, is being disposed of, since not only the facts are similar but the law points and the issues raised therein are also common. For brevity, recitals are taken from CWP-25922-2016.

2. Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned selection and appointments of private-respondents No.8 to 13 made on the posts of Group-D Mechanical in Public Health Engineering Circle, Karnal pursuant to advertisement (Annexure P-1) of which closing date was 26.03.2013. It is alleged that they have been selected and appointed by a selection committee consisting respondents No.3 to 7 as its Chairman and members respectively by putting them in the selection zone after illegally and arbitrarily awarding the additional marks and showing the higher marks while preparing the merit list. Marks of the private respondents No.8 & 9 have been shown higher than the actual marks obtained in the educational examinations and respondents No.10 to 13, who are not having the genuine experience certificates, have been awarded additional marks on account of experience as per selection criteria, per the information provided to the petitioner sought under the Right to Information Act 2005 relating to the selectee candidates by the concerned respondents authorities.

3. Succinct factual background first. Respondent No.3 issued advertisement (Annexure P-1) for recruitment to 41 posts of various categories of regular Mechanical Establishment (Group-D). The selection committee did not publish the result and gave appointments to the selectee candidates as per the merit list prepared by them. Petitioner was not selected. Private-respondents, who were less meritorious, were selected and given appointments. Petitioner sought information under RTI. Complete information was not supplied to the petitioner. Petitioner filed an appeal against the denial of information. As per merit list (Annexure P-12), respondents No.8 and 9 are shown higher in merit list.

4. In the aforesaid background, while issuing notice of motion, my learned Brother Anupinder Singh Grewal, J. (then seized of the matter) had summed up the controversy vide order dated 15.12.2016, which is extracted herein below:-

*“Leaned counsel for the petitioner contends that several candidates including respondents No.8 and 9 have been given more marks for the academic qualifications than reflected in their educational certificates. Respondent No.8 has been awarded 75% marks for the 10th examination while his mark-sheet which is appended as Annexure P-17 indicates that he obtained 247 marks out of 600 marks which are about 41%. Similarly, respondent No.9 has been awarded 59% marks for 8th class while his mark-sheet which is appended at Annexure P-18 indicates that he obtained 295 marks out of 600 marks which are about 49%.*

*Issue notice to the respondents, returnable on 17.01.2017.*

*Process dasti as well.”*

5. *Apropos* above, counter affidavit dated 19.05.2017 by Sh. Prem Singh, the then Superintending Engineer has been filed wherein it is candidly conceded that in the result dated 25.06.2014 under challenge before this Court, there were certain discrepancies and the same was, therefore, referred to the selection committee to re-determine the merit of all the candidates across board. Pursuant thereto, vide recommendations of the selection committee rendered vide proceedings dated 03.02.2017 (Annexure R-2/2), the entire merit list of the candidates, in which the petitioner applied, was revised. To be noted that neither any amendment has been sought in the present writ petition to assail the revised merit list dated 03.02.2017 (Annexure R-2/3) nor even otherwise any other steps were taken at any stage to assail the revised result. Resultantly the selected candidates continued to be in service who were appointed in the year 2014 and rendered 8years of service and to that extent, it does not further the cause of the petitioners as the equities have totally turned the tables in the meanwhile which are currently in favour of the selected candidates. As regards the specific

allegation made *qua* the private-respondents who have been selected, the same have been dealt with individually *qua* every candidate in the return *bid* filed in the preliminary objection No.1, which is extracted herein below:

“1. *THAT SELECTION AND APPOINTMENTS OF RESPONDENTS NO.8 TO 13 DOES NOT SUFFER ANY INFIRMITY AND THE PETITIONER HAS NO CASE TO INVOKE THE EXTRA ORDINARY WRIT JURISDICTION OF THIS HON’BLE COURT.*

*41 posts of Group-D employees were advertised and 39 candidates have been selected and appointed and joined way back in the month of June, 2014 and the petitioner has not impleaded any candidate except six candidates i.e. respondents No.8 to 13. The petitioner has no grievance qua the selection of other candidates except respondents No.8 to 13 does not suffer any infirmity.*

*The Haryana Govt. has approved the criteria for the selection of Group-D employees. The copy of the criteria circulated by the Engineer-in-Chief to all Superintending Engineers to this effect is attached as Annexure R-2/1. It is necessary to mention here that in pursuance of the advertisement about 11000 candidates had applied for the said posts and 10 time candidates were short listed on the basis of the criteria (P-10) and called for Field Test/ Personality Test and the selection has been made strictly as per the criteria (R-2/1). So the above selection does not suffer any infirmity. Since there were 11000 candidates, there is a clerical mistake and the merit of educational qualifications was wrongly calculated in case of respondents No.8 and 9. The committee again verified their certificates in its meeting held on 03.02.2017 and the Selection Committee re-determined the merit of respondent No.8 & 9 and after re-determination of their merit, still they are in the zone of selection. So the appointments of respondent No.8 and 9 does not suffer any infirmity. The copy of the proceedings of the selection committee to this effect is attached as Annexure R-2/2. On the basis of the proceedings of the selection committee dated 03.02.2017 the revised merit list of general category was prepared. The copy of the revised merit list of general category to this effect is attached as Annexure R-2/3. Earlier Sanjay Kumar (Respondent No.9) was selected at merit no.14 and now after taking into consideration the exact documents of his qualifications and rectifying said clerical mistake he was selected at merit no.19 in the revised merit list. Similarly Surender Hooda (Respondent No.8) who was earlier selected at merit no.17 and now he has been selected at merit no.18 in the revised merit list after rectified the said clerical mistake. Since respondent no.8 & 9 who still in the*

*merit list after rectified the clerical mistake, their selection and appointments does not suffer any infirmity.*

*Similarly the petitioner has grievance regarding the experience certificate of respondent no.10 to 13. As regard respondent no.10 (Nav Rattan), the Superintending Engineer vide letter dated 23.01.2017 has verified by the experience from the Dodwa Cooperative L&C society Ltd. Village Dodwa (Sonipat). The copy of letter of verification of experience of dated 25.01.2017 to his effect is attached as Annexure R-2/4. So from the said verification letter it is clear that Nav Rattan has rendered service from 08.12.1997 to 03.12.2007 and said verification letter further clarify that it was a typographic mistake while issue letter (P-19), so in light of the verification letter (R-2/4) the selection and appointment of the respondent No.10 (Nav Rattan) does not suffer any infirmity.*

*As regard respondent no.11 (Vijay Kumar) is concerned, the Superintending Engineer has got verified the experience certificate of respondent no.11 (Vijay Kumar) vide letter dated 23.01.2017. The copy of the letter dated 23.01.2017 to this effect is attached as Annexure R-2/5 and Suresh Kumar, Govt. Contractor has submitted the reply vide letter dated 30.01.2017. The copy of the reply dated 30.01.2017 to this effect is attached as Annexure R-2/6. So in light of the letter dated 30.01.2017 (R-2/6) the experience of Vijay Kumar (Respondent No.11) does not suffer any infirmity. Even the Principal, Govt. Sr. Sec. School, Kharkali, Jhanwari (Bhiwani) has given in writing that Vijay Kumar was regular student upto March 2002 and he has a compartment in Hindi which he cleared in March, 2003 as private candidate. The copy of the certificate of the Principal to this effect is attached as Annexure R-2/7. So in light of the above factual position the selection and appointment of respondent no.11 does not suffer any infirmity.*

*As regard respondent no.12 (Rakesh Kumar) is concerned the Superintending Engineer has written a letter dated 23.01.2017 to Balwant Singh, Govt. Contractor. The copy of the letter dated 23.01.2017 to this effect is attached as Annexure R-2/8 and the said contractor has given the reply vide letter dated 28.01.2017 and he has given in the writing that Rakesh Kumar (Respondent No.12) has rendered service with him as Fitter Helper from June 2006 to March 2013. The copy of the letter dated 28.01.2017 to this effect is attached as Annexure R-2/9. The said contractor has also given the proof that the said contractor has a valid Contractor License which is valid upto 31.03.2018. The copy of the said certificate is attached as Annexure R-2/10. So in view of (R-2/10) it appear that document (P-23) is a forged or fabricated document. So in view of the position explained above the selection and appointment of respondent No.12 (Rakesh Kumar) also does not suffer any infirmity.*

*As regard respondent no.13 (Jai Bhagwan) his experience certificate was verified from Vikas Sharma, Govt. Contractor and he has verified vide letter dated 24.01.2017, copy of which is attached as Annexure R-2/11, which clearly demonstrate that Jai Bhagwan (Respondent No.13) has worked on full time basis from May 2004 to October 2010 and Dec. 2012 to February 2013 and worked on part time basis from Nov. 2010 to Nov. 2012. Even Leads International Institute of Engineering and Technology, Karnal has given a certificate, copy of which is attached as Annexure R-2/12 and clarified that respondent no.13 had worked in their office as a clerk from 10.11.2010 to 19.11.2012. so by perusing the above verification the selection and appointment of respondent No.13 (Jai Bhagwan) does not suffer any infirmity.”*

6. *Qua* the above stand taken though replication has been filed, but it is merely reiteration of the stand taken in the writ petition that in view the candid admission that since earlier selection process was based on favoritism and certain manipulations were carried out *qua* the granting of marks, which were only corrected after issuance of notice of motion. Therefore, petitioners claim that the private-respondents’ appointments should be quashed, is without any substance since there is no challenge to the revised result though of-course was declared during pendency of the writ proceedings. Petitioners are at liberty to challenge the same.

7. Having not done so, no grounds for interference are made out.

8. Dismissed.

9. Pending applications, if any, shall also stand disposed of.

**(ARUN MONGA)**  
**JUDGE**

**August 22, 2022**  
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No