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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-13049-CWP-2022 IN/AND
CWP-20444-2021 (O&M)
Date of decision: August 31, 2022

Siddharth

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ranjivan Singh, Advocate,
Mr. Risham Raag Singh, Advocate for the petitioner.

Ms. Mamta Singla Talwar, DAG Haryana.

Mr. N.P. Bhardwaj, Advocate for respondent No.5.

Mr. Himanshu Malik, Advocate for respondent No.6.

ARUN MONGA, J. (ORAL)

CM-13049-CWP-2022

For the reasons stated in the application, the same is allowed. Reply on behalf of respondent No.5 along with annexures is taken on record, subject to all just exceptions.

Main case (O&M)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing speaking order dated 20.04.2020 (Annexure P-13) issued by the respondent-Department to the extent that order for withdrawal of Tentative Seniority/ Gradation list dated 29.03.2019 (Annexure P-3) with respect to the cadre of Actor, Harmonium, Master, Stage Master and Tabla Master instead of finalizing the same by way of excluding respondents No.5 and 6, genuineness/ validity of whose matriculation certificates is under scanner, so

as to pave way for promotion to the post of Drama Inspector from amongst petitioner/ eligible candidates.

2. In the written statement dated 07.07.2022 filed on behalf of respondents No.1 to 4, following stand has been taken in Para-6 of the Preliminary Submissions thereof:-

“6. That it is most respectfully submitted that presently the respondent department has again issued tentative joint seniority list on dated 13.05.2022 for promotion to the post of Drama Inspector. That the list is prepared by including candidates who are not matric pass and the petitioner is shown at Serial No.6. In response to joint seniority list issued on dated 13.05.2022 one objection has been received from Sh. Siddharth, Harmonium Master vide letter dated 23.05.2022 (Annexure R-3) and the same objection is being examined by the department. However, in accordance with the service rule, only those candidates will be considered for promotion who are matric pass, by virtue of which the petitioner stands at Serial No.4. That it is most relevant to mention here that presently there are 9 posts of Drama Inspector vacant in the respondent department.”

3. In view of the aforesaid, since the matter is already under reconsideration with the administrative authorities, there is nothing much for this Court to adjudicate unless same attains finality.

4. Petition is disposed of, accordingly with the expectation that the competent authority shall look into the objections of the petitioner *qua* which he is granted liberty to file representation, if not already filed and the same shall be dealt with. Needful be done as expeditiously as possible, but not later than 3 months from today.

5. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 31, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No