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

CWP-8550-2017

Date of decision: 30.03.2022

GAGAN DEEP SINGH

...Petitioner

VERSUS

STATE OF HARYANA ANBD ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing the respondents to recommend the name of the petitioner for appointment to the post of Constable (Male) (General Duty) in ESM category.

Learned counsel for the petitioner would contend that the petitioner had secured 35.75 marks and, therefore, he would fall under the cut-off marks as per the final merit list dated 29.10.2016. It is contended that the Haryana Staff Selection Commission has failed to take his marks into account and has not reflected his roll number in the final merit list prepared.

Learned State counsel, on the other hand, contends that the petitioner herein has been ignored only on account of the fact that he did not secure the same marks as of the last selected candidate bearing roll number

1004004673 in DESM-BCA category, who had secured 39.25 marks, which is definitely more marks than what the petitioner had secured.

Learned counsel for the petitioner prays for some time to get necessary instructions in this regard. It is contended that he had tried to contact the petitioner whose mobile number was coming switched of and seeks some time to contact him again.

In view of the fact that the petitioner herein has not secured the higher marks than the last selected candidate, I do not deem it appropriate to allow any adjournment to the learned counsel for the petitioner herein, despite a vehement request made for the same. However, in case the petitioner has got more marks than the last selected candidate, he would be at liberty to revive the instant petition.

Accordingly, the present petition is disposed of in the aforesaid terms.

30.03.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No