

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.23405 of 2021 (O&M)

Date of Decision.22.07.2022

Ombir

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

The instant writ petition has been filed by the petitioner under Article 226/227 of the Constitution of India for setting aside the order dated 27.10.2021/09.04.2021 passed by respondent No.2 whereby candidature of the petitioner has been rejected.

The grouse of the petitioner is that his case ought to have been considered in terms of Rule 12.18 (3) (c) instead of Rule 12.18 (3) (b) of the Punjab Police Rules (Amended), 2015 (hereinafter referred to as 2015 Rules). In case, the respondent-authorities would consider the case of the petitioner under Rule 12.18 (3) (c) of the 2015 Rules, he would be entitled for appointment to the post of Male Constable (GD).

Learned counsel appearing on behalf of the respondent-State would submit that the petitioner herein was not honourably acquitted and therefore, question of offering him appointment would not arise. In support of her arguments, she relies upon the judgment rendered by this Court in

Ramji Vs. State of Haryana and others 2021(1) SCT 117, applicability of

which is disputed by the counsel appearing for the petitioner as the case of Ramji involved question of moral turpitude, which is not the case at hand.

Be that as it may, since there was a specific direction given by a Coordinate Bench of this Court in CWP No.10367 of 2021 to decide the case of the petitioner in terms of Rule 12.18(3) (c) of 2015 Rules and the judgment rendered by Hon'ble Supreme Court in Civil Appeal No.2325 of 2009 decided on 11.11.2014 titled as *Joginder Singh Vs. Union Territory of Chandigarh and others*, without going into merits of the case, the matter is remanded back to respondent No.2 to take a fresh decision within a period of four weeks from the date of receipt of certified copy of this order and communicate the same to the petitioner forthwith.

The writ petition stands disposed of in above terms.

(JAISHREE THAKUR)
JUDGE

July 22, 2022

Pankaj*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No