

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

(216)

CWP-7605-2018

Date of Decision : November 30, 2022

Sanjeev Kumar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil K. Nehra, Advocate, for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. Kanwal Goyal, Advocate and
Mr. Govind Tanwar, Advocate, for respondent No.2.

Mr. Sanjay Kaushal, Sr. Advocate, with
Mr. Amit, Advocate, for respondents No. 3 to 5.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that keeping in view the facts and circumstances of the present case, the petitioner was entitled for the grant of one mark for publication of the paper, which benefit has not been extended to the petitioner, due to which, the petitioner could not make within the selection zone. Learned counsel for the petitioner submits that as per the record, which has been produced before this Court, it is clear that the paper, which was written by the petitioner, is deemed to have been published so as to entitle the petitioner benefit of one mark.

Learned counsel for respondent No.2-Commission submits that the requirement of publication of a paper was must prior to the last date so as to entitle a candidate marks to a candidate for the said publication whereas, nothing has come on record so far to show that the paper written by the petitioner though might have been approved but was published prior to the last date of submitting of the application form. Learned counsel for the respondents submits that in the absence of any date of the publication of the said paper, no benefit of the same can be given to the petitioner.

Learned counsel for the petitioner rebuts the same and submits that keeping in view the reply filed by the publisher, a copy of which has been appended along with the replication as Annexure P-13, the said publication was on the website in January, 2016 i.e. prior to the last date of the submission of the application form.

This Court not being expert, is not in a position to find out whether in the facts and circumstances of the present case, it can be said that the paper written by the petitioner was published before the last date of application so as to entitle the petitioner for the grant of one mark. The said facts can be appreciated by the expert as to whether, keeping in view the facts which have already come on record, it can be said that the paper of the petitioner was published prior to the last date of the filling of the application form or not.

Learned counsel for the parties agree to the proposal that the petitioner will submit a detailed representation attaching all the documents to support his prayer that the paper in question was published prior to the last date of application form, which representation, the Commission will place before the Panel experts, which Panel will be constituted by the

Commission and after the opinion of the experts is received, appropriate decision required in the facts and circumstances of this case will be taken by the respondent-Commission and appropriate order will be passed on the representation filed by the petitioner.

It may be noticed here that in case, the Commission feels that anybody who has already been selected, is likely to be affected by the outcome of the representation, they be also given an opportunity to present their case to be put before the Expert Committee for consideration on the issue so that nobody, who is likely to be affected by the outcome of the said issue, is left unheard.

Let the above said process be completed within a period of two months from the receipt of copy of this order.

The writ petition is disposed of in above terms.

November 30, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No