

202-A

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

CWP No.8653 of 2018 (O&M)

DATE OF DECISION : 28.10.2022

Nikhil Gaur

...Petitioner

versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R. S. Dhull, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter-alia*, is for issuance of a writ in the nature of mandamus directing the respondents to consider the name of petitioner under Economically Backward Person in General Caste (hereinafter referred to as "EBPG") in view of Haryana Government Notification dated 27.09.2013 (Annexures P-5) as the petitioner is holder of certificate of category as issued on 15.12.2016 (Annexure P-13) and the same was not appended with application form as the authorities were reluctant in issuing certificates as admitted by respondent-State of Haryana vide its letter dated 07.06.2017 (Annexure P-10) as he deserves parity with other similarly placed candidates who have been considered eligible under the category and final result under the category for the post of Clerk as per advertisement dated 24.11.2015 (Annexure P-1) is yet to be pronounced in view of stay granted by Division Bench of this Court vide interim order dated 07.12.2017 (Annexure P-22).

2. Learned counsel for the petitioner, at the very outset, submits that petitioner made the cut and he be granted liberty to move an appropriate representation *qua* his grievance, before the competent authority which may be decided as per law.

3. Learned State counsel submits that a decision will be taken by competent authority, either way, on the representation, in case the same is filed by the petitioner, by passing a speaking order.

4. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

5. Since the order impugned herein was passed prior to taking a different view, but it transpired *qua* other similarly situated candidates' appointment letters have now been issued with a pre condition that the same is subject to final outcome of SLP (c) 23544-47/2016) *sub-judice* in the Supreme Court, instant writ petition is disposed of with a direction that in case, representation is moved by the petitioner within a period of two weeks from today, the same shall be decided on parity with similarly situated other candidates, by passing an administrative order, in accordance with law.

6. Needful be done within a period of 6 weeks from the date representation is filed.

7. Disposed of accordingly.

OCTOBER 28, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No