

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

CWP-26093-2019 (O&M)

Date of decision: September 23, 2022

Manish Kumar Yadav

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Amandeep Singh Talwar, Advocate,
Mr. Abhijeet Singh Rawaley, Advocate,
Mr. Sahil Mehndiratta, Advocate for
Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Samarth Sagar, Additional AG Haryana.

Ms. Harpriya Khaneka, Advocate for respondent No.3-HPSC.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for setting aside order/ proceedings dated 30.08.2019 (Annexure P-16) whereby petitioner has been stated to be ineligible on account of non-availability of 6 ACRs of Very Good or above category, alleging same to be incorrect and in contravention to the guidelines dated 09.07.2019 (Annexure P-10). Further direction has been sought to send ACRs of the petitioner for the period from 2017-2018 and 2018-2019 to respondent No.3 for considering the same, which are lying in the office of respondent No.2.

2. It transpires that during pendency of the writ petition, vide an interim order dated 16.09.2019 passed by Amit Rawal, J. (as he then was in this Court), respondents were directed in the following terms:

“Inter alia contends that ACRs for the year 2017-18 & 2018-19, which are required to be sent to respondent No.3, being essential and necessary for consideration for the post of Haryana Civil Services (Executive Branch) from Register A-1, are lying in the office of respondent No.2. There cannot be any fault on behalf of the petitioner.

Relies upon notice of motion order dated 04.09.2019 passed in CWP No.24538 of 2019 (Annexure P-19), which is pending consideration for 30.09.2019.

Notice of motion for 30.09.2019.

In the meantime, respondent No.2 is directed to send the complete service record of petitioner including aforesaid ACRs after application of mind, to respondent No.3.

A copy of this order be given to learned counsel for petitioner under the signatures of Court Secretary of this Court.”

3. *Apropos*, the ACRs of the petitioners were sent to respondent No.3-HPSC. As regards eligibility of the petitioner, learned counsel relies on a Division Bench judgment/ order dated 13.11.2019 rendered in **CWP-8502-2017** titled **Joginder Sharma and others versus State of Haryana and others**. In view of the aforesaid, nothing survives for adjudication before this Court except to determine the eligibility of the petitioner, in case aforesaid judgment is applicable to his case, as canvassed by learned counsel for the petitioner.

4. In the premise, writ petition is disposed of with the expectation that respondents shall proceed further in accordance with law and pass appropriate orders to consider the candidature of the petitioner in case he is found eligible.

5. In the parting, my attention has been drawn by learned counsel for the petitioner to Paras-5 & 6 of the written statement dated 03.12.2019 filed on behalf of respondents No.1 to 3, wherein it is admitted by the State that the petitioner is indeed eligible. Be that as it may, respondents are to proceed accordingly. Since petition has been pending in this Court for almost

4 years, it is expected of the respondents to proceed as expeditiously as possible, but not later than 6 months from today.

(ARUN MONGA)
JUDGE

September 23, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No