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

**CWP NO. 23110 OF 2022 (O & M)
DATE OF DECISION: 15.11.2022**

Manoj and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R. K. Choudhary, Advocate,
for the petitioners.

Mr. Pankaj Middha, Addl. AG, Haryana.

ARUN MONGA, J.(ORAL)
CM-16574-CWP-2022

For the reasons stated in the application, documents contained at Annexures P-5 and P-6 are taken on record, subject to all just exceptions.

Disposed of.

MAIN CASE

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of certiorari for setting aside impugned order dated 14.07.2020 (Annexure P-3), whereby respondents No.6 and 7 were appointed to the post of Sweeper and for setting aside order dated 18.03.2021 (Annexure P-4), whereby complaints of petitioners and similarly situated persons, were rejected. Further prayer is for reconsidering the candidature of all applicants for selection on merit.

2. Pledged case of the petitioners is that vide letter dated 07.07.2020 (Annexure P-1) applications were called for the post of

Sweeper. Total of 11 candidates submitted their applications for the said post. Though applications for the said post were invited vide letter dated 07.07.2020 (Annexure P-1) but even before that date, respondent No.6 submitted his application on 06.07.2020 (Annexure P-2). Thereafter, vide order dated 14.07.2020 (Annexure P-3), respondents No.6 and 7 were appointed as Sweepers.

2.1 Petitioners plead that no formal selection criteria/ procedure, whatsoever, was followed to prove the merit of respondents No.6 and 7. Further, learned counsel for petitioners contends that selections were made without disclosing the merits of selected candidates and it is a classic case of nepotism. Even the candidates with good academic marks were not considered by the respondents, which smacks of arbitrariness. Various complaints/representations were moved to the authorities regarding above stated irregularities in the selection process but the same were rejected vide impugned order dated 18.03.2021 (Annexure P-4).

3. I have heard rival contentions of learned counsel for the parties and gone through the case file.

4. *Ex facie* disputed question of facts are involved which cannot be gone into on the basis of affidavits under the extraordinary writ jurisdiction.

5. In the premise, the instant writ petition is dismissed. However, the petitioners are at liberty to seek appropriate alternative civil remedy, as may be advised and available in law.

NOVEMBER 15, 2022

Shalini

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ARUN MONGA)
JUDGE**