

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

CWP-26944-2022 (O&M)

Date of Decision: 30.11.2022

Mustak

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Aftab Singh Khara, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing notice dated 19.10.2022 (Annexure P-1) issued to the petitioner to show cause as to why he should not be recommended to be relieved by your department as he has failed to make the required cut-off.

2. Learned counsel for the petitioner submits that the petitioner had earlier been selected as a Clerk in the ESP-BCA category. The petitioner was initially in the waiting list for the post of Clerk. The result was revised due to an error in the answer key in terms of the directions of this Court. The petitioner was selected in the revised merit list and appointed as Clerk with the Education Board. He has been issued a show cause notice for termination on the ground that he does not have a Grade-C certificate. He apprehends that the services of the petitioner might be dispensed with on the erroneous ground that the Sports Gradation

Certificate is of Grade-D and not Grade-C which is the requirement for Group-C posts. Learned counsel for the petitioner, however, submits that such a distinction with regard to the sports certificate had not been spelt out in the advertisement or in the instructions pertaining to the instant selection. The petitioner has replied to the show cause notice but no order has been passed.

3. Notice of motion.

4. On advance service, the learned State counsel appears and accepts notice.

5. Heard.

6. The petition is disposed of with a direction to respondent No.2 to consider and decide the reply by affording an opportunity of personal hearing to the petitioner. The petitioner will not be relieved till the passing of the order. The needful shall be done within a period of two weeks.

(ARUN MONGA)
JUDGE

November 30, 2022

ashish

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No