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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-34078-2019 (O&M)

Date of decision: August 18, 2022

Arun Kumar

...Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Satya Vir Singh Yadav, Advocate for the petitioner.

Mr. R.K.S. Brar, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the action of the respondent in not abiding the proper criteria pertaining to the examination of the Haryana Subordinate Accounts Services (HSAS) Part-II Examination in the paper of Company Law and Allied Acts, conducted by the respondents on 12.08.2019, and further quashing the action in not awarding proper marks to the questions attempted by the petitioner.

2. Upon clearing the examination of Subordinate Accounts Services (S.A.S.) Part-I, petitioner appeared in the S.A.S. Part-II Examination held on 10.08.2019 and 12.08.2019, pursuant to invitation of applications issued vide memo dated 26.06.2019 (Annexure P-1) by respondent No.2. It was notified vide notice dated 05.09.2019 (Annexure P-2 colly) that the candidates, if they want to check their answer-sheet and want to apply for rechecking, they may apply to HIPA Gurgaon within one month from the date of notice.

Petitioner's name figured at Sr. No.15 of the aforesaid list. Petitioner did not qualify the paper of Company Law and Allied Acts. Petitioner also made a representation dated 30.09.2019 (Annexure P-5) to respondent No.3.

3. Following stand has been taken in Para-3 to 5 of the return dated 12.08.2020 filed by respondent No.3:

- “3. *That to address the grievance of the unselected candidates, the Government of Haryana constituted a Grievance Committee. The said Grievance Committee held its meeting on 09.11.2019 and duly considered the representation of the petitioner and after finding no merits in the said representation, the Grievance Committee rejected the representation of the petitioner. After rejecting the representation of the petitioner, the answering respondent No.3 on 06.02.2020 (via email) duly intimated the petitioner that his representation has been rejected by the Grievance Committee of HIPA. However, the petitioner till date has failed to challenge the rejection order passed by the Grievance Committee of HIPA.*
4. *That after consideration of all the grievances of all those candidates, who raised grievances, by the Grievance Committee, the Final Result of SAS Part-II (Ordinary branch) and (LAD) Examination was declared by the respondent No.2 on 07.01.2020 and promotions of 136 selected/ passed candidates on the post of Section Officer was made on 12.06.2020. Subsequent to their promotions on the post of Section Officers, all the promoted candidates have joined their respective posts of Section Officers. So, now if the petitioner now has any grievance with the Final Result of SAS Part-II (Ordinary Branch) and (LAD) Examination, the petitioner should challenge the final result dated: 07.01.2020 of SAS Part – II (Ordinary Branch) and (LAD) Examination. The copy of Final Result dated: 07.01.2020 of SAS Part – II (Ordinary Branch) and (LAD) Examination is attached herewith as ANNEXURE R-3/1.*
5. *That besides being pre mature, the present writ petition is also liable to be dismissed for non-joinder of necessary parties as indirectly in the present case, provisional result dated: 05.09.2019 (P-2) of SAS Part – II (Ordinary Branch) and (LAD) Examination has been challenged by the petitioner and if this Hon'ble Court interferes with the provisional result of SAS Part – II (Ordinary Branch) and (LAD) Examination, the 165 candidates who have passed the SAS Part – II (Ordinary Branch) and (LAD) Examination and all those candidates who subsequently*

have been promoted as Section Officers will be directly affected and therefore the present writ petition is liable to be dismissed for non joinder of necessary parties.”

4. Perusal of the above shows that expert committee was appointed to redress grievance of the candidates and thereafter, only the Final Result of SAS Part – II (Ordinary Branch) and (LAD) Examination was declared on 07.01.2020 by respondent No.2 and promotions on the post of Section Officer were made accordingly. It is trite to say that this Court is not to superimpose its views on those of the expert committee, and if so done, same would amount to negating the views of the experts and treading into the expert domain of the Committee, which this Court is not equipped to do.

5. No grounds for interference are made out.

6. Dismissed.

(ARUN MONGA)
JUDGE

August 18, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No