

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

CWP-37325-2019 (O&M)

Date of decision: August 23, 2022

Monu Kumar

.....Petitioner

versus

Haryana Staff Selection Commission and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate for the petitioner.

Ms. Mamta Singla Talwar, 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 correct the application form in column of Category as BCB instead of BCA, stated to have been filled-up inadvertently by the petitioner and he be treated as a candidate in the category of BCB instead of BCA under advertisement No.5/2019, Category No.1, for the post of Clerk.

2. Learned State counsel, at the outset, points out that the result for the post of Clerk advertised vide advertisement No.5/2019, (Annexure P-1), has already been quashed vide order dated 25.04.2022 passed in **CWP No.15672-2021** titled as “**Amit Kumar and others Vs. State of Haryana and others**” It has been directed that the Commission shall carry out re-evaluation of all the candidates across board and also conduct scrutiny of documents afresh and prepare *de novo* merit list thereafter.

3. It transpires that in the revised result, petitioner has scored 76 marks and the last selected candidate in General category has scored 69 marks. If the said assertion of learned Senior counsel, under instructions, is correct, then it is expected of the respondents to accord benefit to the petitioner of his performance within a period of 30 days and consider his case in General category, regardless, if he had earlier opted for any reserved category. It is trite to say that every citizen of the country has fundamental right to apply in General category as enshrined in Article 16 of the Constitution of India and, merely because someone is seeking special benefit under Article 16 (4), can-not be a ground of denial for being treated equal as per Article 16 (1) of the Constitution of India.

4. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

August 23, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No