

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-3304-2022

Date of decision: 11.05.2023

BHANA RAM AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Bhupinder Ghai, Advocate
for the petitioners.

Mr. Vivek Chauhan, Addl. A.G. Haryana.
for respondents No.1 to 5.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been filed seeking action on the basis of enquiry report dated 15.01.2020 (Annexure P-5) submitted by the petitioner with a further prayer against the appointments recommended under advertisement No. 1082/11/384//1213/6980 dated 02.03.2013 & corrigendum dated 16.05.2013 in 2014 of Group 'D'.

The petitioners had approached this Court against the alleged arbitrary and high handed selection to the Group 'D' posts in the category of regular mechanical establishment having been made by the Public Health Engineering Department.

It was averred that son of petitioner No.1 was having 88% of marks in 8th Class and 82% marks in 10th Class and 72.20% marks in 12th Class whereas brother of petitioner No.2 namely Vinod Kumar was having 64% marks in 08th Class and 57.20% marks in 10th Class and

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67.70% marks in 12th Class and that they were more qualified as compared to the other candidates who were thereafter selected.

Written statement on behalf of respondents No.1 & 5 had been filed through Shiv Raj Singh, Superintending Engineer, Public Health Engineering Circle, Karnal. The relevant extract of the same reads thus:

“5. That the present civil writ petition is not maintainable and liable to be dismissed on the principle of res subjudice as civil writ petitions No. 25922 of 2016, titled as Pardeep Kumar Versus State of Haryana & others, CWP No. 2153 of 2017, titled as Dinesh Kumar versus State of Haryana & Others, CWP No. 6445 of 2017 titled Sanjeev Kumar & Others V/s State of Haryana & Others involving then same issue has been decided by the Hon'ble High Court vide order dated 22.08.2022 and 15.11.2022 respectively copy of the orders are Annexure R-3 & Annexure R-4 it is relevant to mention here that above said CWP No. 6445 of 2015 titled Sanjeev Kumar & Others V/S State of Haryana others was filed by Son of the Petitioner in the present case i.e. Bhana Ram. Moreover, CWP No. 26980 of 2017, titled as Dilbag Singh versus State of Haryana & others, involving the same issue is pending for 20.02.2023 for the consideration of this Hon'ble Court.

6. That the petitioners had not applied for the Group-D post in response to advertisement No. 1082/11/384/1213/6980 dated 02.03.2013 and subsequent corrigendum No.1082/11/488/1314/9216 dated 16.05.2013 in 2014 of Group-D posts. Neither the petitioners were candidates in the selection process. No legal or fundamental rights of the petitioners has been infringed, therefore the petitioners have no locus-standi to

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file and maintain the present civil writ petition is liable to be dismissed on this ground also.

7. That a vigilance enquiry was conducted by the State Vigilance Bureau and in the enquiry it has been found that the recruitment committee has not ignored the rules during the process of filling of 39 group-D posts in the Public Health Engineering Department. Copy of enquiry report no.10 dated 14.05.2018 is annexed as Annexure R-5. The present civil writ petition is liable to be dismissed on this ground also.”

It is thus averred that son of the petitioner had himself preferred writ petition against the said selection list and that the writ petition was dismissed. The selection in question has been upheld.

Upon being confronted with the fact that the son of the petitioner No.1 had filed a writ petition against the same selection process and that notwithstanding filing of the second writ petition was filed by the petitioner concealing the same.

Learned counsel appearing on behalf of the petitioner tenders an apology and seeks withdrawal of the present petition.

Disposed of as withdrawn.

(VINOD S. BHARDWAJ)
JUDGE

MAY 11, 2023

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No