

**CWP-4982-2019 (O & M) and
CWP-10633-2019**

-1-

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

233-2 cases

**CWP-4982-2019 (O & M)
Date of decision:25.01.2023**

Gurjinder Kaur and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

2.

CWP-10633-2019

Pooja and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. R.S. Panghal, Advocate for the petitioners
in CWP-4982-2019.

Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate for the petitioners
in CWP-10633-2019.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

SUVIR SEHGAL J. (ORAL)

This order shall dispose of CWP-4982-2019 titled as
Gurjinder Kaur and others versus State of Haryana and others and
CWP-10633-2019 titled as **Pooja and others versus State of Haryana
and others** as they involve common questions of law and facts. For the
sake of convenience, facts are being taken from CWP-4982-2019.

Instant writ petition has been filed under Article 226/227 of Constitution of India seeking issuance of a writ of certiorari for quashing and setting aside order dated 24.10.2017, Annexure P-6, by which respondents have decided to scrap the recruitment/selection of 105 Staff Nurses of BPS GMC (W), Khanpur Kalan, Sonapat vide order dated 24.10.2017, Annexure P-6. Challenge has also been made to communication dated 23.01.2019, Annexure P-9, whereby respondent No.1 declined to revive the selection process.

Writ petition has been opposed by the State by filing separate replies on behalf of respondents No.2, 3 and respondent No.4. It has been submitted in the response filed by respondents No.2 and 3 as under:-

“6. That it is submitted that an enquiry was conducted by the State Vigilance Bureau vide inquiry no. 1/2018 against Dr P.S. Ghalaut and others in respect of the selection of the Staff Nurses against advertisement no. 2/2017. It was found/observed by the State Vigilance Bureau that there were serious administrative lapses and negligence during the selection process, which resulted in selection of thirty (30) ineligible candidates, out of 105 selected candidates. It was also observed/found by the State Vigilance Bureau that the scrutiny committee did not scrutinise the application forms (7578), whereas the same was necessary. It was also observed/found by the SVB that 6 candidates, who were not in provisional pre-merit list, were also interviewed. It was also observed/found by the SVB that neither, the written test was conducted, nor three times candidates were interviewed, for the selection of staff nurses against advertisement no.2/2017. It is further submitted that the enquiry report has already been submitted by the State Vigilance Bureau in the Hon'ble High Court. It is further submitted that on the basis of the enquiry report dated 07.03.2018, of the SVB, the administrative action has already been taken by the

department i.e. charge-sheet under Rule 4 of Haryana Civil Services (Punishment and Appeal), Rules 2016 has already been issued to Dr. Uma Garg, Professor (chairman of the scrutiny committee) and other members of the scrutiny committee and it is also submitted that the administrative process/proceeding against the members of the scrutiny committee, after the issuance of the charge sheet, is under process. It is imperative to mention here that the as per the report of SVB, no proof or evidence has been found against the members of the scrutiny committee regarding the instance of corruption.”

State counsel submits that after the scrapping of the recruitment process, vide advertisement No.2/2019, Annexure P-11, 110 posts of Nursing Officer (Staff Nurse) were advertised for the college-respondent No.3 against which 106 candidates were selected and 104 have joined the institute.

In view of the subsequent developments, prayer made in the petition cannot be acceded to.

Petition is dismissed.

25.01.2023
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No