

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CWP-5917 -2020 (O&M)
Decided on : 21.12.2023

Vinod Kumar

...Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Ankit Chahal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the claim of the petitioner is that the petitioner is being reverted back from the post of clerk to that of Fisherman on the ground that the petitioner has not passed the type test which is essential requisite so as to continue on the post of clerk.

2. Learned counsel for the petitioner submits that while issuing of notice of motion on 03.03.2020, the co-ordinate Bench of this Court has stayed the operation of the impugned order dated 20.02.2020 (Annexure P-6) and allowed the petitioner to continue on the post of Clerk and in fact, the petitioner is continuing on a promoted post of Clerk.

3. Learned counsel for the petitioner further submits that during the pendency of the present petition, the petitioner has already passed the State Eligibility Test in the Computer Appreciation and Application (SETC) which was held on 23.12.2022 hence, once, the petitioner has now already fulfilled the requisite terms and conditions to continue on the post of Clerk, the petitioner be allowed to continue on the post of clerk and be not reverted back.

4. Learned counsel for the respondents submits that keeping in view the facts which have come into operation during the pendency of the

present petition that while continuing on the post of Clerk though on interim order, the petitioner has also passed the requisite State Eligibility Test in the Computer Appreciation and Application (SETC).

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Once, the requisite qualification has already been obtained by the petitioner and by an interim order the petitioner was allowed to continue on the post of clerk on which the petitioner is continuing even as of now, there is no disability which the petitioner suffers so as not to continue on the post of clerk, the present petition is disposed of with the direction that the impugned order will not given effect to qua the petitioner keeping in view the subsequent events which has come into being due to which, the petitioner has attained the eligibility to continue on the post of clerk.

7 The present petition is disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

21.12.2023

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *~~Yes~~/No*