

**RA-CW-95-2022 alongwith Misc.Applications
In CWP-15672-2021**

2023:PHHC:130199

140+269

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-15800-15801-CWP-2023, CM-15906-CWP-2023,
CM-15907-CWP-2023,CM-16192-CWP-2023,
CM-16193-CWP-2023, CM-17870-CWP-2022,
CM-14970-CWP-2022, CM-11050-CWP-2022,
CM-11051-CWP-2022, CM-14969-CWP-2022,
CM-17871-CWP-2022, CM-8258-CWP-2022,
CM-13519-CWP-2022, CM-13520-CWP-2022,
CM-20505-CWP-2022, CM-20586-CWP-2022,
CM-20587-CWP-2022, CM-20588-CWP-2022,
CM-2208-CWP-2023 IN CM-17044-CWP-2022 with
CM-2211-CWP-2023 IN CM-17045-CWP-2022
RA-CW-95-2022 (O&M) in
CWP-15672-2021
Date of decision:03.10.2023**

Amit Kumar and others

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Robin Singh Hooda, Advocate,
for the review-applicants.
Mr. Kannan Malik, Advocate,
Mr. Krishan Singh, Advocate,
Mr. Sunil Hooda, Advocate for
Mr. Sanchit Punia, Advocate,
Mr. Kuldeep Sheoran, Advocate,
Mr. Surender Pal, Advocate,
for the applicants

Mr. Jasbir Mor, Advocate for non-applicant/petitioners.

Mr. Shruti Jain Goyal, DAG, Haryana

ARUN MONGA, J. (ORAL)

CM-8258-CWP-2022 and Review application bearing No.RA-CW-95-2022
have been filed by applicants for impleading themselves as respondents No.4 to 39 being
necessary parties and review of judgment dated 25.04.2022 whereby main writ petition
bearing No. CWP-15672-2021 was allowed with a direction to prepare revised result for
the post of Clerk. Similarly placed other applicants have also filed different civil

miscellaneous applications for impleadment and modification of judgment dated 25.04.2022 passed in the aforesaid civil writ petition.

2. The aforementioned review application and bunch of applications have been heard in past on different occasions and the earlier orders dated 22.09.2023 and 26.09.2023 passed by this Bench being apposite are reproduced hereinbelow:

Order dated 22.09.2023

“I have heard learned Senior counsel as well as other learned counsels appearing in the aforesaid applications seeking impleadment, as also rival contentions of learned counsel representing Haryana Staff Selection Commission. It transpires that pursuant to Para-18 of the judgment dated 25.04.2022, rendered in lead case bearing CWP-15672-2021, all those applicants who had qualified in the written examination after re-evaluation of the same, were notified for scrutiny of documents. And yet, they did not report on the designated date for the said round of scrutiny. Learned counsels state that all those applicants, who were successful in the earlier round of selection and were issued appointment letters are in service, and all the documents were submitted by them during the earlier selection. Original thereof are available in their service record with various Departments. The same have neither been returned to them nor was even otherwise any attempt made to carry out scrutiny on the basis of those original documents in seizen of their departments. Instead, they were directed to give originals all over again, which they are not in possession of. Since they did not have originals, they could not join in the next round of scrutiny of documents and were shown absent in the same.

2. *On a Court query to learned counsel for Commission as to why originals which were submitted by the applicants who are in service, cannot be scrutinized at this stage, specially of those candidates who are successful in the revised result of the written examination and are in service, she states that since candidates have themselves absented and not participated in next round of scrutiny process, therefore, they have been declared unsuccessful.*

3. *In the peculiar premise, I am unable to comprehend that if the candidates are in service and all the original documents are already on their service record, why can't the same very documents be relied upon for carrying out scrutiny of their credentials. In order to have better clarity, the Secretary of the Haryana Staff Selection Commission is directed to remain personally present on the next date of hearing to resolve the aforesaid impasse.*

4. *Post it on 26.09.2023.”*

Order dated 26.09.2023

“Due to a call given by the Bar Council of Punjab and Haryana, the Executive Committee of the Bar Association has unanimously decided not to work today i.e. on 26.09.2023 in solidarity with the District Bar Association, Sri Muktsar Sahib on account of one of the Bar members who is alleged to have been falsely implicated by the police officials at Sri Muktsar Sahib.

Apropos order dated 22.09.2023, Sh. Mahender Pal, HCS, Secretary, Haryana Staff Selection Commission along with Mr. Dikansh Goel and Ms.Kamaljeet, Law Officers, is present in person.

My attention has been drawn to clause No.16 mentioned in public notice dated 17.05.2022, copy of which has been tendered in course of hearing, which is taken on record and marked as Annexure 'X', which reads as thus:

"16. In case original documents are submitted in any department then candidates shall bring it in writing from the department with the list of documents available with the Department and produce Photostat copy of documents attached by concerned Department officer."

The Secretary, HSSC submits that in view of the aforesaid clause, the candidates who had qualified in the written examination and were in service, were at liberty to get their original testimonials from the parent department or in the alternative submit photocopy thereof. Having chosen not to do either, it is open to them to challenge the aforesaid clause and, in any case, by their own conduct, they have been declared unsuccessful for absenting in the next round of documents verification. The said fate accompli is on their own accord.

Adjourned to 28.09.2023.

Personal presence of the officer, who was present in Court today is exempted."

3. *Apropos aforesaid orders of mine are self-speaking and need no further discussion or elaboration.*
4. *On resumed hearing today, no satisfactory response has come forth qua the order dated 26.09.2023 by any of the applicants.*
5. *That being so, I find no ground to interfere.*
6. *The applications are accordingly dismissed.*
7. *Needless to say that applicants are at liberty to take appropriate legal remedy as may be advised and available to them in case they are aggrieved against Clause 16 *ibid*.*
8. *Pending application(s), if any, shall also stand disposed of.*

**(ARUN MONGA)
JUDGE**

03.10.2023
'D'vir

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No