

CM-19167-CWP-2023 in/and
CWP No. 14514 of 2022

2023:PHHC:148175

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106-2)

CM-19167-CWP-2023 in/and
CWP No. 14514 of 2022
Date of Decision : 20.11.2023

Rajesh Kumar and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohan Singla, Advocate for the applicants-petitioners.

Harsimran Singh Sethi J. (Oral)

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Learned counsel for the applicants-petitioners submits that the writ petition was disposed of as not pressed on 03.11.2023 keeping in view the judgment passed in SLP (Civil) No. 12441 of 2022 but the said statement was made by the counsel without going through the judgment of the Hon'ble Supreme Court of India in SLP (Civil) No. 12441 of 2022 titled as ***Sudhir Singh and others Vs. State of U.P. and others***, decided on 30.10.2023, whereas the applicants-petitioners intend to distinguish the said judgment from the present case, hence, the said undertaking given may kindly be allowed to be withdrawn and the writ petition be disposed of on merits.

Notice of the application to counsel for the respondents.

Mr. Pankaj Middha, learned Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as made in the application.

Keeping in view the above, the application is allowed and the order dated 03.11.2023 is recalled and writ petition is taken up for hearing today with the consent of the parties

Main Case

In the present petition, the grievance being raised by the petitioners is that they are eligible to compete in the Category of Ex-servicemen for the post of Clerk, which benefit has wrongly been denied to them in the revised merit list prepared.

Learned counsel for the respondents submits that by placing reliance upon the judgment of the Hon'ble Supreme Court of India in SLP (Civil) No. 12441 of 2022 titled as ***Sudhir Singh and others Vs. State of U.P. and others***, decided on 30.10.2023, this Court while passing order in CWP No. 20552 of 2022 titled as ***Lt. Col. Manish Gupta and another Vs. State of Haryana and another***, has already dealt with the same arguments and have rejected the same, hence, the question of law raised in the present petition is covered against the petitioners.

Learned counsel for the petitioners concedes that the arguments being raised by the petitioners have already been dealt with while passing order in ***Lt. Col. Manish Gupta's case (supra)*** and claim of the petitioners as raised in this petition is covered against them as per ***Lt. Col. Manish Gupta's case (supra)***.

Keeping in view the above, as learned counsel for the petitioners has not been able to rebut the fact that the question of law raised in the present petition has already been covered against the petitioners keeping in view the order passed in ***Lt. Col. Manish Gupta's case (supra)***, the present petition is

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also dismissed in terms of the order passed in *Lt. Col. Manish Gupta's case*
(*supra*).

November 20th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No