

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(239)

CWP-15432-2020 (O&M)

Date of Decision : September 13, 2023

Mohit Rathee

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil K. Nehra, Advocate and
Mr. Viren Nehra, Advocate, for the petitioner.

Mr. Tapan Kumar Yadav, Deputy Advocate General, Haryana.

Dr. Neha Awasthi, Advocate, for respondent No.2.

Mr. Amit Jhanji, Senior Advocate, with
Mr. Himanshu Arora, Advocate, for respondent No.4
with respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed challenging the appointment of respondent No.4 on the post of Assistant Town Planner advertised vide Advertisement No.5/2019 dated 05.07.2019 in the category of dependent of ex-serviceman.

2. At the outset, learned counsel appearing on behalf of respondent No.4 submits that though the challenge raised to the eligibility of respondent No.4 is being disputed but as per the instructions received from respondent No.4, who is present in the Court, she is withdrawing from the competition for the post in question, hence, the claim of the petitioner qua the selection of respondent No.4 be decided accordingly.

3. As respondent No.4 has withdrawn from the competition for the post in question, the challenge raised to the selection/appointment of respondent No.4 has been rendered infructuous. In view of the development that respondent No.4 has withdrawn herself from the selection process, one post of the Assistant Town Planner as advertised vide Advertisement No.5/2019 dated 05.07.2019 becomes available to be filled in the category of ex-serviceman/dependent of ex-serviceman.

4. At this stage, learned counsel for the petitioner submits that the petitioner is fully eligible for the recommendation of his name against the said vacant post, hence, the Haryana Public Service Commission be directed to grant the said benefit to the petitioner.

5. Learned senior counsel appearing on behalf of respondent No.4 submits that the petitioner is also not eligible to be considered as dependent of ex-serviceman hence, unless and until the eligibility of the petitioner is established to compete for the post of Assistant Town Planner under the category of ex-serviceman being the dependent of ex-serviceman, the Haryana Public Service Commission be directed not to recommend his name.

6. The dispute being raised qua the eligibility of the petitioner is being refuted by the learned counsel for the petitioner.

7. Keeping in view the facts stated hereinbefore, the Haryana Public Service Commission is directed that as respondent No.4 has withdrawn from the selection process and one advertised post of Assistant Town Planner in the category of ex-serviceman has become available, the Haryana Public Service Commission will decide as to whether any name is to be recommended to the Department concerned for the said post of Assistant Town Planner in pursuance to the Advertisement No.5/2019 dated

05.07.2019. In case, any recommendation is to be made, the same will be made on the basis of the merit obtained by the candidates already competing. In case, the petitioner comes within the zone of consideration for the recommendation of his name, his eligibility with respect to the cut of date will be ascertained and decided first before recommending his name to the Government. Respondent No.4 is free to present any document disputing the eligibility of the petitioner before the Commission and any document presented by respondent No.4 be also looked into before deciding the eligibility of the petitioner. Any document presented by respondent No.4 will also be put to the petitioner for his comment in case the same are to be accepted.

8. Keeping in view the above, the present petition is disposed of in above terms.

9. Let the said consideration be completed within a period of three months from the receipt of copy of this order.

September 13, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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