

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

(220-4)

CWP-16893-2020

Date of Decision : July 27, 2023

Sanjeev Kumar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pardeep Sehrawat, Advocate, for
Mr. Vivek Goyal, Advocate, for the petitioner.

Mr. Jagbir Malik, Addl. Advocate General, Haryana.

Mr. Balwinder Sangwan, Advocate,
for respondent No.3-HPSC.

Mr. Sushil Jain, Advocate, for respondent No.5.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Learned counsel for the petitioner submits that keeping in view the observation of the Division Bench of this Court in ***LPA No.559 of 2021 titled as Sumit Chawla vs. State of Haryana and others, decided on 07.03.2022***, which directions have been passed in respect of the same advertisement and qua the same post wherein, it has been mentioned that the Commission is the expert body to decide the eligibility of a candidate, hence, the claim of the petitioner qua the challenge to the eligibility of respondent No.5 Krishan Kumar be also adjudged by the Commission keeping in view the facts and circumstances of the present case as to

whether respondent No.5 belongs to the creamy layer of backward class, hence, is ousted from the zone of consideration so as to claim the benefit under the BCA category keeping in view the eligibility conditions provided in the advertisement.

2. Learned counsel for respondent No.5 though opposes the plea of the petitioner on merits qua the dispute being raised qua his eligibility but submits that he has no objection in case the Commission again decide the eligibility issue as being raised by the petitioner being the expert body.

3. Keeping in view the above, the present petition is disposed of with liberty to the petitioner to file appropriate representation before the Commission raising question of eligibility of respondent No.5 qua the advertisement in question for the post of District Information and Public Relation Officer as to whether, he can claim benefit under the BCA category or not so as to compete for the post in question.

4. It is made clear that the Commission will be free to avail the opinion of the welfare Department on the issue in hand before arriving at the conclusion so as to decide the eligibility of respondent No.5.

5. It will be appreciated that the Commission passes an order within a period of three months from the date the representation is submitted.

6. Present petition is disposed of in above stated terms.

July 27, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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