

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

(107)

CWP-15413-2023

Date of decision: - 21.07.2023

Chanchal

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rajat Mor, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to exempt the petitioner from the training which he has to undergo for the post of Male Constable (GD) as he has already undergone and successfully completed the same training with Batch No.86 as Male Constable IRB and similar benefit of exemption from training has already been granted to similarly situated candidates by a Co-ordinate Bench of this Court vide order dated 23.08.2022 passed in CWP-16315 of 2022 (Annexure P-12) and the said order has already been complied with by the respondents. Challenge is also made to an order dated 17.02.2022 (Annexure P-14), vide which the case of the petitioner alongwith the case of one Rakesh, has been rejected by the authorities.

2. Learned counsel for the petitioner has submitted that the

order dated 17.02.2022 (Annexure P-14), vide which the case of the present petitioner and one Rakesh has been rejected, deserves to be set aside and has pointed out that the said Rakesh was petitioner No.2 in CRM-M-16315-2022, which has been allowed by the Co-ordinate Bench. It is further submitted that in a similar matter, a Co-ordinate Bench of this Court, vide order dated 23.08.2022 (Annexure P-12) allowed the writ petition and the petitioners therein had been exempted to undergo the Basic Training Course-1 on being appointed as Male Constable (GD). It is further submitted that the reasons given in the said judgment while allowing the writ petition were that the Constable appointed with IRB, same as the present petitioner, had already undergone a common training programme, which is called Basic Training Course-I, Batch No.86, alongwith the Constables (General Duty) Male & Female and the said training was found to be identical to the Basic Training Course-I. It was further observed by the Co-ordinate Bench that the said exemption would also save considerable expenses. It is stated that petitioner No.2 in the said CWP-16315-2022 was Rakesh against whom and the present petitioner, a common order dated 17.02.2022 (Annexure P-14) has been passed. It is further stated that in view of the same also the authorities are required to reconsider the matter.

3. Learned counsel for the petitioner has stated that the petitioner would be satisfied in case the present writ petition is disposed of with a direction to respondent No.3 to consider the case of the petitioner for which he would file a representation, by keeping in view the said judgment dated 23.08.2022 (Annexure P-12).

4. Learned State counsel has submitted that in the said judgment dated 23.08.2022 (Annexure P-12), it has been mentioned that the same should not be treated as a precedent.

5. Learned counsel for the petitioner, in rebuttal, has submitted that since the present petitioner is absolutely similarly placed as the petitioners in the above-said case and the said observation of the Co-ordinate Bench of this Court with respect to the same not be treated as a precedent would apply in a case where a person is seeking exemption from training on grounds other than the grounds on which the petitioner has sought exemption, as the ground on which the petitioner seeks exemption is the same on which the petitioners in the aforesaid CWP were seeking exemption and since the respondent authority had already implemented the above-said judgment, thus, the case of the petitioner is covered by the said judgment.

6. Keeping in view the above-said facts and circumstances, this Court is of the view that the matter requires to be reconsidered by the authorities and the order dated 17.02.2022 (Annexure P-14) deserves to be set aside and is accordingly set aside and the present writ petition is disposed of with a direction to respondent No.3 to consider the representation, if so filed by the petitioner, as expeditiously as possible, preferably within a period of two months from the date of filing the said representation and while considering the same, respondent No.3 would take into consideration the judgment dated 23.08.2022 passed in CWP-16315 of 2022 (Annexure P-12). In case, respondent No.3 is of the opinion that the pleas raised by the petitioner are meritorious, then, the

necessary relief be granted to him in accordance with law. In case, respondent No.3 is of the opinion that the pleas raised by the petitioner are meritless, then, a speaking order rejecting the claim of the petitioner be passed within a period of two months from the date of filing of representation by the petitioner.

7. It is made clear that this Court has not opined on the merits of the case and respondent No.3 would consider the said representation independently, in accordance with law.

July 21, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No