

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

214

CWP-19941-2018

Date of Decision : October 31, 2023

Ankit Malik**...Petitioner****Versus****State of Haryana and another****... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Harpreet Puri, Advocate for
Mr. C.M. Munjal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance of the petitioner is that the result which has been declared for appointment to the post of Multipurpose Health Worker (MPHW) vide notice dated 05.08.2018 (Annexure P/5) be set aside as the candidates, who are having lesser marks than the petitioner have been selected in the said result.

2. Keeping in view the reply filed by the respondents wherein, it has been mentioned that the petitioner has competed under the category of outstanding sports person (general category) and has secured 72 marks in total whereas, last selected candidate in the category in which the petitioner was competing and claiming appointment has secured 92 marks, learned counsel for the State argues that the petitioner does not have any claim for

appointment in the category in which he was competing.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4, It is a conceded fact that the petitioner has competed for appointment to the post of Multipurpose Health Worker (MPHW) under the outstanding sports person (general category). It is also not disputed that the petitioner had secured 72 marks and as per the respondents, last selected candidate in the category in which the petitioner was competing had secured 92 marks and the said averments have not been rebutted by the petitioner by way of filing any replication. That being so, the petitioner cannot claim an appointment as the last selected candidate in the category in which he was competing had much more marks than the petitioner.

5. Qua the allegation that the candidates having lesser marks than the petitioner have been appointed, it may be noticed that no such description of the candidates have been given in the petition hence, in the absence of any such averment, prayer being made by the petitioner cannot be allowed.

6. Keeping in view the facts and circumstances noticed hereinbefore, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

7. Civil miscellaneous application pending, if any, is disposed of.

October 31, 2023

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No