

CWP-28307-2018 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(245)

CWP-28307-2018 (O&M)
Date of decision:- 20.03.2023

Kuldeep Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. C.R.Narwal, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

Mr. Raghubir Tejpal, Advocate for respondent No.4.

SUVIR SEHGAL, J. (Oral)

CM-1096-CWP-2023

Application is allowed as prayed for.

Replication is taken on record.

Main case

Petitioner has approached this Court for issuance of a writ in the nature of certiorari for quashing notice dated 02.05.2018, Annexure P-5, by which his candidature has not been considered for the post of Multi-Purpose Health Worker (Male).

Counsel for the petitioner submits that the petitioner was an applicant for the post of MPHWP (M) pursuant to Advertisement No.01/2015, Annexure P-2. Counsel submits that the petitioner successfully qualified the written examination and was called for scrutiny of documents. But his

candidature was rejected as the qualifying degree of the petitioner was from Indira Gandhi National Open University, which according to the respondents is not recognized as per the advertisement. Counsel for the petitioner has placed reliance upon judgment dated 05.09.2022, Annexure P-10, passed by this Court in **CWP-11474-2018** titled as **Baljeet Singh and others Versus State of Haryana and others**, whereby a bunch of petitions were disposed of with the following directions:-

“ 4. *Apropos, learned State counsel submits that result of all the successful candidates, including unsuccessful petitioners before this Court, has been uploaded on the website. He has also tendered a comprehensive additional short reply dated 31.08.2022 on behalf of respondent No.3 in course of hearing, which is taken on record. Under instructions from Mr. Sandeep Manda, ADA and Mr. Jagdeep, Law Officer, Haryana Staff Selection Commission, he states that even if petitioners are held to be eligible for applying to the post in question, none of them have got more marks than the last selected candidates in the respective categories they have applied. Some of the learned counsel for the petitioners seriously controvert aforesaid statement of the learned state counsel. Per contra, they submit that despite having more marks than the last selected candidate in the category in which the petitioners had applied, they have not been given benefit thereof, ostensibly, on the ground of being ineligible.*

5. *Being so, it is considered appropriate that those of the petitioners, who claim that they have got more marks than the last selected candidates in the categories they have applied, provided, it is so as per result uploaded on the website, they are at liberty to approach the respondent-Commission with individual representations. The Commission shall then pass speaking orders giving reasons as to why; (a). they have been held ineligible and; (b). whether or not they actually secured more marks as claimed by them.*

6. *Needful be done within a period of 60 days of the representation(s) being filed by those of the petitioners, who may choose to do so.*

7. *Disposed of, accordingly.”*

Having heard counsel for the parties, this Court is of the view that as the other candidates, who are similarly placed as the petitioner, have been granted with an opportunity to submit a representation, petitioner, who is similarly placed, deserves to be given the same opportunity.

Accordingly, writ petition is disposed of in the same terms as in CWP-11474-2018.

In case, the petitioner claims to have scored more marks than the last selected candidate in his category as per the uploaded result, submits a representation, it shall be decided by the respondent-Commission within a period of 02 months in the light of the observations made by this Court in the above reproduced order.

20.03.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No