

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CWP-24499-2019 (O&M)

Date of Decision :-04.09.2023

Dharmender Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

Mr. Kanwal Goyal, Advocate for respondent No.3.

Mr. S.K. Verma, Advocate for respondent No.4.

Mr. V.P. Sangwan, Advocate and Mr. Vinod Jangra, Advocate
for respondent No.5.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, the challenge is to appointment of respondents No.4 and 5 to the post of Deputy District Attorney by way of a direct recruitment.

Learned counsel for the petitioner argues that the private respondents have been selected in the backward class category whereas, keeping in view the fact that respondents were very much employed on the post of Assistant District Attorney and were earning gross annual salary more than Rs.6 lacs at the time of their selection hence, their selection against the reserved category of backward class in the cadre of Deputy District Attorney is bad.

Learned counsel for the respondent-Commission submits that

the Commission is to adjudge the eligibility of the candidates on the basis of the certificate/record submitted and as per the record submitted, the private respondents were considered eligible under the reserved category of backward class so as to compete for the appointment to the post of Deputy District Attorney.

Learned counsel for the respondent-Commission further submits that after the recommendation of the names of the private respondents, the burden of verification qua the eligibility of candidates lies with the concerned department of Haryana Government so as to verify whether the eligibility of the private respondents is established or not.

Learned counsel for the respondent-State submits that as the dispute has arisen qua the eligibility of the private respondents to be selected and considered for appointment to the post of Deputy District Attorney under the reserved category of backward class, the department will enquire into the said allegations and pass an appropriate order within a period of 08 weeks from the date of receipt of copy of this order and, thereafter, due action, if needed to be taken, will be taken.

At this stage, learned counsel for the petitioner submits that apart from grievance of the petitioner as recorded hereinbefore that the private respondents were not eligible to compete under the reserved category of backward class even the experience certificate submitted by the respondent No.5 is liable to be looked into as well.

Learned counsel for the respondents submits that even the said allegation will be enquired into and an appropriate order will be passed by the concerned authority.

Learned counsel for the petitioner submits that keeping in view

the statement made by the learned counsel for the respondents that the respondents will enquire into the allegations and pass an appropriate order in a time bound manner, the present petition may kindly be disposed of having been not pressed at this stage.

Ordered accordingly.

It may be recorded herein that before passing an appropriate order on the allegations alleged against the private respondents, due opportunity of hearing to the private respondents as well as to the petitioner be granted so as to submit their claim.

September 04, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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