

CM-15559-CWP-2023

CM-16822-CWP-2023 in/& -1-

2023:PHHC:128423

CWP-22016-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106+258

CM-15559-CWP-2023 and
CM-16822-CWP-2023 in/&
CWP-22016-2022

Date of Decision :-04.10.2023

Chandrapati

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kuldeep Sheoran, Advocate
for Mr. Jasbir Mor, Advocate for the petitioner.

Mr. Tapan Yadav, DAG, Haryana.

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

Mr. Umesh Aggarwal, Advocate for respondent No.5.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-16822-CWP-2023

As prayed for, application is allowed.

Written statement filed on behalf of respondent No.4 is taken on
record.

CWP-22016-2022

Learned counsel for the petitioner submits that the challenge in
the present petition is to the order dated 20.07.2022 (Annexure P/17) by
which, the claim of the petitioner for selection and appointment to the post
of Operation Theater Assistant has been declined by the respondents on the
ground that the petitioner has done his diploma through distance mode,

which qualification does not give eligibility to the petitioner to compete for the post in question.

Learned counsel for the petitioner further submits that the claim of the petitioner has wrongly been rejected by the respondents as respondent No-4/Indira Gandhi National Open University has clarified that diploma obtained by the petitioner on the basis of which he is claiming selection and appointment to the post in question is not through distance mode but is through regular mode (face to face), which fact has not been considered by the respondents while declining the claim of the petitioner for selection to the post of Operation Theater Assistant and the fact that the similarly situated candidate, who on the basis of the similar diploma from the same institute, has already been selected hence, it is a case of discrimination as well.

Learned counsel for the respondent-Commission submits that in case, the petitioner files any such claim by way of representation before the Commission, the same will be considered in accordance with law and an appropriate order will be passed within a period of four weeks from the date of receipt of any such representation. In case after the decision, petitioner is found eligible for the said relief, the same will also be extended to him within a period of next two weeks.

Learned counsel for the petitioner submits that keeping in view the statement made by learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to file an appropriate representation raising his claim before the respondent-Commission.

Ordered accordingly.

Respondent-Commission is requested that claim of the petitioner be considered with open mind without being influenced from the earlier order passed declining the claim of the petitioner. It is further directed that in case any post is lying vacant in the category in which the petitioner is competing, the same will not be filled up till the decision of his claim by the respondents.

CM-15559-CWP-2023

Application is also disposed of as such.

October 04, 2023
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No