

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-22979-2022(O&M)

Date of decision : 17.11.2023

Shikha

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Manish Soni, Advocate
for the petitioner.

Mr.Amandeep Joshi, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to appoint the petitioner to the post of Female Constable for HAP-DURGA-1 (Cat No.3) under SC category published vide Advt. no.04/2020 by respondent no.2.

2. Learned counsel for the petitioner has submitted that the petitioner was duly selected as Female Constable for HAP-DURGA-1 but the petitioner was not given appointment in view of registration of FIR bearing no.86 dated 22.09.2020 under Sections 376, 511, 506, 120-B IPC which was registered on the statement of the sister-in-law of the petitioner against the brother of the petitioner and the petitioner. It is further submitted that in the said FIR, the police after investigation had submitted a cancellation report and the cancellation report had been accepted vide order

dated 12.01.2023 passed by the Judicial Magistrate Ist Class, Jind. It is

stated that as per the amended Rule 12.18 (3)(d) where a cancellation report has been accepted or an untraced report has been submitted by the investigating agency, the appointment is required to be approved/accepted. It is further stated that in the said circumstances, respondent no.3 is required to issue the appointment letter to the petitioner and permit the petitioner to join as Female Constable Category 3. It is submitted that the petitioner would give a detailed representation bringing out all the said facts to respondent no.3 and at this stage, would be satisfied in case respondent no.3 considers the said representation in a time bound manner and if after considering the same, in case, the plea by the petitioner is found to be meritorious, then necessary relief be granted to the petitioner.

3. Learned State counsel has submitted that respondent no.3 would consider the representation if so submitted by the petitioner and decide the same within a period of 8 weeks from the date of the receipt of the representation.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.3 to consider the representation of the petitioner and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of 8 weeks from the date of the receipt of the representation and in case, after considering the same, the plea of the petitioner is found to be meritorious, then necessary relief be granted to the petitioner and in case, the plea of the petitioner is not found to be meritorious, then a speaking order rejecting the same be passed within a period of 8 weeks from the date of the receipt of the representation.

5. It is made clear that this Court has not opined on the merits of the case and respondent no.3 would consider and decide the representation

independently, in accordance with law.

6. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

November 17, 2023.
Davinder Kumar

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