

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

(111)

CWP-21042-2023**Date of decision: - 21.09.2023****Neeraj Kumar and another****....Petitioners****Versus****State of Haryana and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Mazlish Khan, Advocate, for the petitioners.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing the respondents to recommend the name of the petitioners against vacant posts as the petitioners obtained 63.50 marks in the General Category, which the last selected candidate in the General Category had scored and the petitioners are on the waiting list.

2. Learned counsel for the petitioners has submitted that for the grievance of the petitioners, the petitioners have given a detailed legal notice dated 03.09.2020 (Annexure P-20) and they would be satisfied in case respondent No.4 considers the same in accordance with law, within a specified time frame and in case the pleas raised by the petitioners are found to be meritorious, then, grant them the appropriate relief. It is further submitted that in case after consideration, respondent No.4 finds that the pleas raised by the petitioners are meritless and reject the same,

then, they would not further challenge the said decision.

3. Learned State counsel has submitted that respondent No.4 would consider the legal notice dated 03.09.2020 (Annexure P-20), in accordance with law and the same would be done within a period of three months from the date of certified copy of this order.

4. Keeping in view the above-said facts and circumstances, the present petition is disposed of with a direction to respondent No.4 to consider the legal notice dated 03.09.2020 (Annexure P-20) filed by the petitioners within a period of three months from the date of receipt of certified copy of this order and in case respondent No.4 is of the view that the pleas raised by the petitioners are meritorious, then, the necessary relief be granted to the petitioners as expeditiously as possible. In case, respondent No.4 is of the view that the pleas raised by the petitioners are meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of three months.

5. It is made clear that this Court has not opined on the merits of the case and respondent No.4 would consider and decide the matter independently, in accordance with law.

6. As undertaken by learned counsel for the petitioners, the petitioners would not challenge the said decision in case respondent No.4, after, considering the pleas raised in the legal notice dated 03.09.2020 (Annexure P-20), does not find merit in the same and rejects it.

September 21, 2023

naresh.k

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No