

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CWP-38107-2018

Date of Decision : August 07, 2023

Deepak Puri and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil Kumar Nehra 'Sirsa', Advocate, for the petitioners.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the prayer of the petitioners is to direct the respondents to re-conduct the written examination for Group D post as advertised vide Advertisement No.4/2018 dated 26.08.2018 (Annexure P-1).

2. Learned counsel for the petitioners submits that while holding the written test, according to the selection process envisaged under the Advertisement dated 26.08.2018 (Annexure P-1), 75% weightage was to be given to General Awareness, Reasoning, Maths, Science, English and Hindi as applicable and 25% weightage was to be given to History, Current Affairs, Literature, Geography, Civics, Environment, Culture etc.

3. Learned counsel for the petitioners further submits that this ratio has not been maintained while holding the written test, which has

caused prejudice to the petitioners.

4. Learned counsel for the respondents submits that the selection for Group-D post in pursuance to the Advertisement in question has already been finalized and the candidates have already been appointed and they are working. In case the prayer of the petitioners is accepted, the selected candidates not only lose their selection but the consequent appointment also. Learned counsel for the respondents further submits that the candidates, who were likely to be affected by the outcome of the present petition, are not party to the present petition.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It may be noticed that an option has been given to the learned counsel for the petitioners to implead the candidates who are likely to be affected but learned counsel for the petitioners submits that as large number of candidates had been selected and appointed, he is not in a position to implead the candidates.

7. Learned counsel for the petitioners further submits that once the Commission has done wrong, the petitioners are not liable to implead all the beneficiaries of the said illegal act.

8. The question whether the any act on the part of the Commission is bad or not, will be decided as and when the prayer of the petitioners is to be adjudicated upon merits. The prayer of the petitioners cannot be adjudicated on merits until, all the candidates, who are likely to be affected, are parties before this Court, hence, the said ground being raised by the learned counsel for the petitioners not to implead the affected parties, cannot be accepted.

9. Further, it is a settled principle of law that the candidates, who are likely to be affected by the outcome of the writ petition, should be impleaded as party and an order on merit can only be passed after giving due opportunity to the affected parties. In the present case, the affected parties are not before this Court as the selection process has already reached its conclusion and even the appointments have already been made.

10. As per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.3005 of 2000 titled as State of Bihar vs. Kameshwar Prasad Singh, decided on 27.04.2000***, till all the affected parties are before the Court, no order causing prejudice to them can be passed. Hence, keeping in view the facts and circumstances of the present case and the settled principle of law, when despite giving opportunity, learned counsel for the petitioners refused to implead the selected candidates as a party, the prayer of the petitioners cannot be considered on merits and no order can be passed.

11. Dismissed.

August 07, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No