

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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LPA-1716-2023 (O&M)

Date of decision: 22.11.2023

Ravinder Kumar

....Appellant

versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE AMAN CHAUDHARY**

Present : Mr. Rajat Mor, Advocate for the appellant.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

RITU BAHRI, ACTING CHIEF JUSTICE (Oral)

1. Instant Letters Patent Appeal has been preferred seeking setting-aside of judgment dated 03.11.2023 passed by learned Single Judge whereby the writ petition seeking exemption by the appellant from undergoing Basic Training Course of 9 months, was dismissed.

2. Learned counsel submits that the appellant being in select list joined as a Male Constable (IRB) on 06.03.2019, while being wait listed for the post of Male Constable (General Duty), had undergone the Basic Training Course-I with Batch No.86 alongwith the other candidates appointed as Male Constables (GD), the course being common to all. On requiring him to undergo the same course once again, upon his selection as Male Constable (GD), the appellant-petitioner sought exemption therefrom, which was wrongly disallowed. Though the judgment passed in CWP-16315-2022 titled as **Robin Singh and another vs. State of Haryana and others**, decided on 23.08.2022 (Annexure P-11), was applicable but the learned Single Judge, has without appreciating it properly, dismissed the writ petition.

3. On the contrary, learned State counsel contends that the Basic Training Course-I that the appellant had undergone as Male Constable (IRB) was more than 3 years and 9 months ago, therefore, it was considered appropriate for him to pass the same again to refresh and enhance his skills. Insofar as, the reliance on the judgment in case of **Robin Singh** (supra) is concerned, he submits that the aforesaid benefit was restricted only to the petitioners therein and it was not to be treated as a precedent.

4. We have heard learned counsel for the parties.

5. In the present case, the learned Single Judge, has not extended the benefit granted in **Robin Singh** (supra) filed by two unselected candidates for the post of Male Constable (GD) to the appellant by carving out a distinction which we, on due consideration of the matter, find there to be none.

6. The petitioners in the aforesaid case as well as in the present one, had all applied for appointment as Male Constables (GD), wherein the appellant was kept in the waiting list, whereas, the other two were not selected on the ground of they not having been granted the additional marks with respect to socio economic category.

7. It is a conceded position that all of them were initially appointed as Constables (IRB) and had undergone the necessary training alongwith Male Constables (GD) in batch No.86. By a judgment in **Robin Singh** (supra), the High Court granted exemption to the petitioners therein from again undergoing the course upon their appointment as Male Constables (GD) but the learned Single has denied the same to the appellant on the ground that he, on his own accord, while being on the waiting list for the post of Male Constable (GD) had chosen to be appointed as Male Constable (IRB), would in our view tantamount to discrimination between similarly circumstances and a breach of principle of

equity. The appellant had to accept the offer of appointment as a Constable (IRB) without there being any other viable choice.

8. The crux of the matter is the insistence to again undergo training once already taken alongwith the selected Constables (GD), it being the same for both the posts, rather than the reason for joining the post of Male Constable (IRB), prior to the current appointment as Constable (GD).

9. The benefit of judgment in **Robin Singh** (supra) would inure to the appellant as well and in view of the facts noticed above, the nature of duties cannot be factored in to cast aside the exemption granted therein.

10. The denial of relief to the appellant by the learned Single Judge on yet another ground that the judgment in **Robin Singh** (supra) was not to be treated as a precedent is erroneous inasmuch as, the same related to those Constables, who also underwent the Basic Training Course-I, being Batch No.86, of which the appellant was a part. The issue of it being not a precedent, would be applicable only for cases that may arise subsequently.

11. In the aforesaid conspectus, the impugned judgment passed by the learned Single Judge is set-aside and the present Letters Patent Appeal is allowed. The appellant is ordered to be granted exemption from undergoing the Basic Training Course-I.

12. Pending application(s), if any, shall also stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

November 22, 2023
Ajay

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