

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

105

**RA-CW-222-2018 in/and
CWP-13225-2018
Date of Decision:27.02.2023**

AMIT KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: None for the petitioner.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

SUVIR SEHGAL, J.(ORAL)
RA-CW-222-2018

There is no representation on behalf of the review-applicant.

Similar was the position on the previous three hearings.

For the reasons given in the application, it is allowed.

Order dated 17.07.2018 passed by this Court is recalled.

Main Case

Petitioner has approached this Court for issuance of a writ in the nature of certiorari to quash notice dated 05.05.2018, Annexure P-6, by which his candidature for the advertised post of Multi-Purpose Health Worker (Male) has been rejected as the diploma possessed by him from Para Medical Council, Mohali, Punjab, according to the recruiting agency, is not from a recognized institute. A direction has been sought to declare that the petitioner as eligible to apply for the post.

On the basis of the averments of the review application, pleadings of the matters mentioned therein have been examined. Petitioner has been found to be similarly placed as candidates in CWP-11726-2018, which has been disposed of by a Co-ordinate Bench alongwith a bunch of petitions, lead case being CWP-11474-2018, with the following observation:-

“ 4. *Apropos, learned State counsel submits that result of all the successful candidates, including unsuccessful petitioners before this Court, has been uploaded on the website. He has also tendered a comprehensive additional short reply dated 31.08.2022 on behalf of respondent No.3 in course of hearing, which is taken on record. Under instructions from Mr. Sandeep Manda, ADA and Mr. Jagdeep, Law Officer, Haryana Staff Selection Commission, he states that even if petitioners are held to be eligible for applying to the post in question, none of them have got more marks than the last selected candidates in the respective categories they have applied. Some of the learned counsel for the petitioners seriously controvert aforesaid statement of the learned state counsel. Per contra, they submit that despite having more marks than the last selected candidate in the category in which the petitioners had applied, they have not been given benefit thereof, ostensibly, on the ground of being ineligible.*

5. *Being so, it is considered appropriate that those of the petitioners, who claim that they have got more marks than the last selected candidates in the categories they have applied, provided, it is so as per result uploaded on the website, they are at liberty to approach the respondent-Commission with individual representations. The Commission shall then pass speaking orders giving reasons as to why; (a). they have been held ineligible and; (b). whether or not they actually secured more marks as claimed by them.*

6. *Needful be done within a period of 60 days of the representation(s) being filed by those of the petitioners, who may choose to do so.*

7. *Disposed of, accordingly. ”*

In view of the above, in case, the petitioner claims to have scored higher marks than the last selected candidate in his category as per the uploaded result, submits a representation, it shall be decided by the respondent-Commission within a period of 02 months in the light of the observations made by this Court in the above reproduced order.

Petition is disposed of.

Copy of the order be sent to the petitioner, who is unrepresented.

27.02.2023
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No