

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-2837-2020(O&M)
Decided on : 09.01.2024

Satbir . . .Petitioner
Versus

State of Haryana and another . . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Shalender Mohan, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance of the petitioner is that the petitioner has been declared ineligible by the respondent-department for the appointment to the post of Steno-typist (English and Hindi Languages).
2. Learned counsel for the petitioner submits that the petitioner has cleared the written examination for the post in question but thereafter, his name has not been mentioned in the list of selected candidates, hence, the respondents are liable to be directed to grant the petitioner appointment on the basis of marks secured by him in the written examination.
3. In the reply filed, the respondents have mentioned that the candidates who have cleared the written examination were called for the shorthand and transcription (type) test and the petitioner failed to clear the said test hence, the petitioner could not be appointed on the post in question.

4. Learned counsel for the petitioner submits that in the reply filed by the respondents, the respondents have mentioned therein that the petitioner failed to clear the shorthand and transcription (type) test whereas in the Anneuxre P-9, it has been mentioned that the petitioner was absent on the day when the shorthand and transcription (type) test was held. Learned counsel for the petitioner further submits that two contradictory stands are being taken by the respondents.

5. Upon this, learned counsel for the respondents submits that once a candidate fails to clear the shorthand and transcription (type) test for any reason i.e. even absent, the said candidate has to be declared ineligible.

6. Learned counsel for the petitioner submits that as per his instructions, the petitioner had appeared in the shorthand and transcription (type) test.

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

8. From the facts narrated herein before, a disputed question of fact arises as to whether the petitioner appeared in the shorthand and transcription (type) test conducted by the respondents or not. The respondents are treating the petitioner absent on the day of typing test, whereas, the petitioner claims that he had appeared in the said shorthand and transcription (type) test.

9. Keeping in view the facts and circumstances mentioned here-in-before, contradictory stand has come before this Court. Once disputed question of facts have arisen, this Court will have no jurisdiction

to decide the same in view of settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No. 2848 of 2021 titled as **Shubhas Jain Vs. Rajeshwari Shivam and others**, decided on 20.07.2021. The relevant paragraph 26 of the said judgment is as under :-

“26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

10. Keeping in view the above, the present petition is disposed of with a liberty to the petitioner to avail appropriate remedy for the redressal of his grievance before the Civil Court so as to prove the disputed question of fact.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

09.01.2024

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: Yes/~~No~~