

2024:PHHC:027276 1

(Sr. No.105+241)

CWP-3805-2022

.. Petitioner

.. Respondents

**CM-19947-CWP-2023 in/and
CWP-22435-2022**

.. Petitioner

.. Respondents

Mr. Pankaj Middha, Addl. Advocate General, Haryana.

CM-19947-CWP-2023 in CWP-22435-2022

As prayed for, the application is allowed.

Replication to the written statement filed on behalf of the respondents, is taken on record.

CWP-3805-2022 and CWP-22435-2022

1. By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions

involve the same question of law on similar facts.

2. In the present writ petitions, the grievance of the petitioner(s) is that though initially while making an application for appointment against the post of Multipurpose Health Worker (Female) for Category No.4 and 20 issued vide Advertisement No.15/2019 dated 01.09.2019 (Annexure P-1), the petitioner(s) have submitted their EWS certificate supporting their claim for consideration under the EWS category but the said certificate was not considered valid on the ground that the said certificate was for the appointment qua the post advertised by the Government of India and thereafter, once again the petitioner(s) applied to the post of Tehsildar for appropriate certificate which was also given but after the last date of application form, which has not been considered by the respondents in a totally illegal and arbitrary manner, though, the petitioner(s) are otherwise fully eligible to compete in the reserved category of the EWS qua the post in question.

3. Learned counsel for the respondents submits that the question of law raised in the present petitions has already been answered by this Court while passing order in ***CWP No.14063 of 2022 titled as Rahul Boora vs. State of Haryana and others, decided on 07.10.2023*** and it has already been held that in case any document, which was invalid and was submitted along with the application, the same cannot be taken into consideration and the subsequent certificate issued and submitted after the last date of application form can also not be taken into consideration hence, in view of the said judgment, the claim of the petitioner(s) is liable to be rejected.

4. Learned counsel for the petitioner(s) submits that though the question of law raised in the present petitions has already been settled by this Court in ***CWP No.14063 of 2022 titled as Rahul Boora vs. State of***

Haryana and others, decided on 07.10.2023 but the said judgment is pending consideration in the LPA.

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

6. Once, the question of law raised in the present petitions has already been decided, even if, a latter patent appeal is pending against the said judgment, no contrary view can be taken by this Court.

7. Keeping in view of the above, the present petitions are also dismissed in view of the reasoning given by this Court in *Rahul Boora's case (supra)*.

8. A photocopy of this order be placed on the file of other connected case.

February 27, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No