

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-3431-2024 (O&M)
Date of Decision : 15.02.2024

Ashish Berwal & Ors.Petitioners

VERSUS

State of Haryana & Anr.Respondents

CORAM : HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ankur Sidhar, Advocate for the petitioners.

Ms. Shruti Jain Goyal, DAG Haryana.

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SANJEEV PRAKASH SHARMA, J. (Oral)

1. This is a petition filed for challenging the Common Eligibility Test (for short 'CET'), conducted by the respondents for making a minimum eligibility for participation, for selection/recruitment to the post of Group 'C' and 'D' in the State Services.
2. The petitioners have challenged their claim on the ground that the same results in treating 'unequals' as 'equals' being illogical, vague, unreasonable, arbitrary, unfair, unjust and unconstitutional and violative of Articles 14 and 16 of the Constitution of India.
3. Learned counsel for the State, upon advance notice, has put in appearance and has pointed out that the issue raised in the present petition stands already adjudicated by this Court in **CWP No.24605 of 2022, titled as Ashish Kumar and Another Vs. State of Haryana and Others** and

connected cases i.e. CWP Nos. 9508 and 9817 of 2023, which was commonly decided by this Court on 12.05.2023, wherein similar arguments were advanced and after examining all the aspects relating to the CET, the Court proceeded to dismiss the writ petitions. Learned counsel submits that with the adjudication having attained finality way-back in 2023, the present writ petition could not have been filed as an abuse of the process of law.

4. Learned counsel for the petitioners has also stated that another petition was filed wherein notices have been issued. He also admits that a review petition bearing No. RA-CM-200 of 2023 has been filed against the order passed in the case of **Ashish Kumar and Another (supra)** and the same was dismissed as withdrawn by a co-ordinate Bench on 28.07.2023.

5. Having knowledge of all the aforesaid aspect, still learned counsel for the petitioner presses to argue the present case afresh. Relating to the same issue, subsequent petitions are not maintainable. Once this Court has been finally adjudicated and examined all the aspects relating to CET, merely because the petitioners were not party to the said writ petitions, they could again have not approached this Court challenging the same. It is also noticed that the petitioners have participated in the selection process of 'CET-2022' and all of them have cleared the CET exam and now they want to turn around to challenge the same raising arguments relating to its validity under Articles 14 and 16 of the Constitution of India. Principle of appropriate remedy would have a square application to the present case, petitioners having participated in the said selection test may not turn around

and challenge the validity of the said examination and more so, as after they have already passed the said test.

6. This Court is of the view that the present petition is an abuse of process of law and an attempt is made to waste the time of the Court. The present writ petition is accordingly dismissed with the costs of Rs.1 lakh to be deposited with the High Court Legal Services Committee. The amount shall be recovered from all the petitioners jointly as arrears of land revenue, if the same are not deposited voluntarily.

7. Pending applications, if any, also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

February 15, 2024
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No