



CWP-4767-2019 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204 CWP-4767-2019 (O&M)
Date of Decision :31.05.2024

Pardeep Kumar and others ...Petitioners

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vishal Gupta, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioners submits that keeping in view the reply filed by the respondents, only the claim of petitioner No.1 subsists in the present petition and not of the other petitioners and hence, the present petition may kindly be disposed of having been not pressed qua petitioner No.2 to 4.

Ordered accordingly.

Qua petitioner No.1, learned counsel for the petitioner submits that petitioner No.1 has appeared in the written examination whereas, as per the respondents, the petitioner No.1 has never appeared in the said examination.



Learned counsel for the petitioner further submits that petitioner No.1 has a carbon copy of the OMR sheet, which shows that the petitioner No.1 had appeared in the written examination whereas, the respondents are relying upon the attendance sheet in which, the petitioner has been shown absent.

Learned counsel for the respondents submits that in the present case, a disputed question of fact has arisen that whether the petitioner has ever appeared in the said written examination or not.

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

It is a settled principle of law settled by Hon'ble Supreme Court of India in **Civil Appeal No.2848-2021 titled as, Shubhas Jain vs. Rajeshwari Shivam and others, decided on 20.07.2021** that wherever a disputed question of fact arises, the same cannot be adjudicated by this Court and the petitioner have to avail an appropriate remedy to prove the facts so as to claim the benefit. Relevant paragraph 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.”

Keeping in view the above, present petition is disposed of having been not pressed any further qua petitioner No.1 with liberty to petitioner No.1 to avail appropriate remedy for the redressal of his grievance



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as admissible under law.

Civil miscellaneous application pending, if any, is also disposed of.

May 31, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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