

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No. 611 of 2024 (O&M)

Date of Decision: 04.03.2024

Haryana Staff Selection Commission

.....Appellant

versus

Sonia

.....Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI, JUDGE

Present : Mr. Deepak Balyan, Advocate for the appellant.
Mr. Madan Sandhu, Advocate, for the respondent-caveator.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (oral)

CM No. 1505-LPA of 2024

For the reasons mentioned in the application, delay of 26 days in re-filing the appeal is condoned. Application stands disposed of.

CM No. 1508-LPA of 2024

For the reasons mentioned in the application, delay of 29 days in filing the appeal is condoned. Application stands disposed of.

LPA No. 611 of 2024 (O&M)

Consideration in the present appeal is to the order dated 31.10.2023 passed by the learned Single Judge in Civil Writ Petition No. 18481 of 2017 filed by the respondent-writ petitioner wherein a direction has been issued to the Haryana Staff Selection Commission that the writ petitioner be given appointment with all consequential benefits such as seniority etc. within a period of 8 weeks. However, the interest of the State Government was protected by the learned Single Judge by observing that the writ petitioner will not be liable for any arrears for the post in question but she will be entitled for other benefits such as seniority etc. from the date the candidate lower in merit has been appointed. In case of violation of the compliance of the order passed by the learned Single Judge within a period of eight weeks, the writ petitioner was also held entitled for all the arrears.

2. Learned Single Judge found that the writ petitioner had appeared provisionally in the interview and had secured more marks than the last selected candidate for the post of Staff Nurse. The objection raised by the State that the writ petitioner had got itself registered with Delhi Nursing Council in March-2017 and then got herself re-registered with the Haryana Nursing Registration Council on 11.04.2017 was rejected while noting that the last date for submission of the application was 04.08.2015 and before that date she had already got herself registered with the Haryana Nurses Registration Council on 10.04.2015 which was before the cutoff date. Admittedly, she was an eligible candidate on 10.04.2015.

3. It has further been noticed that because the writ petitioner was interested to take part in the selection in New Delhi, she duly applied for ‘No Objection Certificate’ from Haryana Nursing Registration Council and got herself registered with Delhi Nursing Council on 27.03.2017 and on being re-registered with the Haryana Nurses Registration Council, her case was rejected. It is settled principle that sacrosanctity of the cutoff date is to be kept in mind once the writ petitioner had the eligibility on that date. The subsequent registration or the No Objection Certificate is not a disqualification more so she had got herself re-registered. Her rejection on this ground thus has been held to be rightly unjustified by the learned Single Judge and directions have been issued to the State to consider her case for appointment being higher in merit.

4. In such circumstances, we do not find any illegality as such in the impugned order passed by the learned Single Judge. Resultantly, there is no merit in the appeal and the same stands dismissed.

Pending application, if any, stand disposed of.

(G.S.SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

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I attest to the accuracy and
integrity of this document

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No