



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-4863-2023 (O&M)
Date of decision : 30.09.2024

Ankit Nagar

...Petitioner

Versus

Haryana Staff Selection Commission and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Samrat Malik, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. The prayer in the present petition is for quashing the order dated 20.12.2022, whereby the claim of the petitioner, who applied under SC-OSP category, for appointment to the post of Multi Purpose Health Worker (Male), has been rejected.

2. The petitioner having qualified the written test was called for the scrutiny of documents, however did not find his name in the notice of interview. Thereby, he filed CWP-12251-2018, which was disposed of along with a batch of petitions, including CWP-13241-2018, filed by one Rana Singh, on 05.09.2022, by observing that the case of the petitioners be considered and in the case they secured more marks than the last selected candidate, liberty was granted to them to approach the respondent-Commission with individual representations. The

relevant paras whereof read thus:-



“5. Being so, it is considered appropriate that those of the petitioners, who claim that they have got more marks than the last selected candidates in the categories they have applied, provided, it is so as per result uploaded on the website, they are at liberty to approach the respondent-Commission with individual representations. The Commission shall then pass speaking orders giving reasons as to why; (a) they have been held ineligible and; (b) whether or not they actually secured more marks as claimed by them.

6. Needful be done within a period of 60 days of the representation(s) being filed by those of the petitioners, who may choose to do so.”

3. Consequently, on the representation filed by the petitioner, the impugned order was passed stating that neither had the Sports Gradation Certificate been attached at the time of submitting the application form nor produced during scrutiny by him, therefore, he was held ineligible for the post in question under SC-OSP category. Challenge to the aforesaid has been made herein by stating that he be considered under the SC category, wherein one post is lying vacant as has been mentioned in the affidavit dated 12.09.2024 filed by the Deputy Secretary, Haryana Staff Selection Commission, though observing that the same was withheld in compliance of order passed in CWP-13241-2018, however, the same came to be disposed of, as noted in the preceding para. Thereafter, the said candidate filed CWP-7620-2023, which came to be dismissed on 07.08.2024, in view of the fact that his marks were 77, while the cut off 85, whereas the petitioner scored 104 marks, a fact admitted in the written statement.

4. In somewhat similar facts, this Court in **Sandeep Kumar vs. State of Haryana and Others**¹, to which no challenge was made, allowed the petition, the operative portion whereof reads thus:-

“Learned State counsel has argued that the candidature



of the petitioner was rightly rejected as he does not fulfill the eligibility of sport category because he has not attached the gradation certificate.

This argument is liable to be rejected, as the petitioner belongs to BC-A category, which is not in dispute and thus, even if the petitioner did not have the gradation certificate required for sports category, he should have been considered under BC-A category. As per final result, the last candidate who has been selected under BC-A category secured 102 marks whereas the petitioner secured 123 marks.

In view of the above factual position, this petition is being allowed and a direction is issued to respondent No. 3 to recommend the name of the petitioner for appointment to the post of Multi Health Workers (Male) under BC-A category, within a period of two weeks and thereafter, respondent No. 2 shall issue appointment letter in the next two weeks to the petitioner. The appointment will be given to the petitioner notionally from the date the candidates have joined under BC-A category and salary will be given to the petitioner from the actual date of joining.”

5. Learned State counsel has been unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

6. In wake of the above, the present petition is disposed of in terms of the judgment passed in **Sandeep Kumar** (supra).

30.09.2024

Nisha-I

(AMAN CHAUDHARY)
JUDGE

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