

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-706-2024 (O&M)
Date of decision:- 19.03.2024

Haryana Staff Selection Commission
...Appellant(s)
Versus
Vishvendu and another
...Respondent(s)

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

Present: Mr. Deepak Balyan, Additional Advocate General, Haryana,
for the appellant.
Mr. Navnit Sharma, Advocate,
for Mr. Ravinder Singh Dhull, Advocate,
for the caveator-respondent No. 1.

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G.S. SANDHAWALIA, A.C.J. (ORAL)

1. The challenge in the present Letters Patent Appeal, which is barred by 180 days in filing and 56 days in re-filing, is to the order dated 12.05.2023 passed by the learned Single Judge in CWP-4788-2019.
2. The learned Single Judge allowed the writ petition and directed the name of the writ petitioner-respondent No. 1 to be recommended for appointment to the post of Auction Recorder and the letter of appointment would follow in case the writ petitioner-respondent No. 1 fulfilled all other eligibility conditions. The writ petitioner-respondent No. 1 was also held entitled for all other consequential benefits.
3. Learned counsel, having advance copy, puts in appearance on behalf of the caveator-respondent No. 1 and submits that the appointment letter in pursuance of the said order of the learned Single Judge has already been issued and the writ petitioner-respondent No. 1 has already joined service.
4. Even otherwise, we are of the considered opinion that there are valid reasons for the directions issued by the learned Single Judge. It has been

found that the Certificate of Computer Diploma was issued by the College affiliated/recognized to the University (framed under the State Act/Central Act) and was liable to be considered as a computer course which was required for the post of Auction Recorder. The said certificate was issued by Kishanlal Public College, Rewari which is affiliated to Maharshi Dayanand University, Rohtak established under the Haryana Act 25 of 1975. Resultantly, keeping in view the fact that there was a requirement of having six months certificate in computer from a recognized institution, the certificate issued to the writ petitioner-respondent No. 1 as such could not have been ignored as it was part of the 16 institutes which was to be considered for the computer courses as per the decision taken by the Haryana Staff Selection Commission on 07.09.2018 which showed that at Serial No. 14 the Computer Diploma issued by a College affiliated/recognized to University (framed under State Act/Central Act) was liable to be considered.

5. The reasoning as such given by the learned Single Judge, thus, suffers from no infirmity, moreso keeping in view the background that apparently the writ petitioner-respondent No. 1 had initially filed CWP-22630-2018, wherein an interim order dated 06.09.2018 had been passed in his favour to the effect that he would be interviewed provisionally subject to the decision on the writ petition and the result was to be kept in a sealed cover. The State counsel was to produce the result in a sealed cover on the next date of hearing. Eventually, the writ petition came to be disposed of on 14.11.2018 with a bunch of cases the lead case of which was CWP-22043 of 2018 titled ***Ravinder Kumar and another Vs State of Haryana and others*** (Annexure P-9). The learned Single Judge at that point of time keeping in view the decision taken by the Haryana Staff Selection Commission on 07.09.2018 had noticed 16 categories of the institutes which were to be considered for Computer Courses for the post of Auction Recorder which has also been

noticed in the impugned judgement. Resultantly, the following relevant directions were passed:-

“Learned State counsel further submits that final results will be declared within one week from the receipt of certified copy of this order.

In view of the above, all the above mentioned writ petitions are disposed of and all the petitioners, who have done their Computer Course from these Institutes, will be considered eligible.”

6. CM-13746-CWP-2018 in CWP-22630-2018 was allowed on 03.10.2018 by the learned Single Judge and the category as such was correctly mentioned by recording the fact that the writ petitioner-respondent No. 1 had secured 120 marks in ESM BCA category and possessed one year certificate course in computer education. It is a matter of fact that the above-said orders were never challenged by the State at any point of time. Apparently, when the scrutiny of documents had taken place on 02.03.2019 (Annexure R2/3), the writ petitioner-respondent No. 1 was found ineligible due to Court case, though the matter had already been decided as noticed above. Resultantly, his name did not figure in the result which was declared on 13.02.2019 (Annexure P-10). Therefore, he served a legal notice dated 16.02.2019 (Annexure P-11) giving the factual aspect of the earlier litigation mentioning that the category of the writ petitioner-respondent No. 1 had been wrongly mentioned as BCA DESM instead of SC DESM in the initial order dated 06.09.2018. On account of inaction on the part of the authorities, the writ petition was filed by alleging that the writ petitioner-respondent No. 1's name did not figure in the notice dated 13.02.2019 issued for the interview which was scheduled for 23.02.2019. The case of the appellant thereafter was that the writ petitioner-respondent No. 1 was not eligible as the institute was not recognized and it was not a computer course as required and that at the same time he was also pursuing Bachelor of Science from Maharshi Dayanand University, Rohtak.

7. We are of the considered opinion that the litigation *interse* the parties had come to an end when CWP-22630-2018 had been disposed of by holding the writ petitioner-respondent No. 1 eligible. On 03.10.2018, the clarification was made regarding the category of the writ petitioner-respondent No. 1 and it was further held that he possessed the one year certificate in computer education. The same reads as under:-

“Application is allowed and the order dated 06.09.2018 is being corrected to the extent that the petitioner applied under ESM BCA category and he has secured 120 marks in ESM BCA category. The petitioner possesses one year certificate course in computer education (Annexure P-3).”

8. The said orders were never challenged as such by the appellant. In such circumstances, to hold the writ petitioner-respondent No. 1 ineligible on 02.03.2019 (Annexure R2/3) once the dispute had been settled *inter se* would not be justified. In such circumstances, the learned Single Judge has rightly allowed the writ petition and directed the necessary consideration. As noticed above, the writ petitioner-respondent No. 1 has already joined in pursuance of the said order.

9. In such circumstances, no ground is made out to interfere with the impugned order passed by the learned Single Judge.

10. The appeal being meritless, accordingly, stands dismissed.

11. Consequently, all the pending miscellaneous applications stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

19.03.2024
Amodh Sharma

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