

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-754-2024 (O&M)
Date of decision:- 04.04.2024

Sumit Chawla
...Appellant(s)

Versus

State of Haryana and others
...Respondent(s)

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

Present: Mr. Sumit Chawla (appellant-in-person).

 Mr. Deepak Balyan, Additional Advocate General, Haryana,
 for respondents No. 1 to 3.

 Mr. Gauravjit Singh Patwalia, Advocate,
 for respondent No. 4.

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

1. The present appeal is directed against the interim order dated 05.03.2024, whereby the appellant’s appointment has been stayed on the ground that the eligibility of the said candidate is under challenge and the State has been directed not to give any appointment on the post till the next date of hearing. The matter is now stated to have been adjourned for July, 2024 since pleadings are not complete.
2. The case has a chequered history in-as-much as on an earlier occasion, the appellant had approached this Court by way of filing CWP-21463-2020 seeking consideration for his appointment to the post of District Information and Public Relation Officer. He was apparently declared ineligible for appointment to the post in question by the appointing authority vide impugned order/communication dated 17/18.11.2020, though the

recommendation had been made in his favour by the Haryana Public Service Commission (HPSC). The learned Single Judge had refused to interfere in the said order/communication and dismissed CWP-21463-2020 vide order dated 21.01.2021.

3. The issue was subject matter of challenge in LPA-559-2021 titled ***Sumit Chawla Vs State of Haryana and others*** which was decided on 07.03.2022, wherein in the judgement authored by one of us (G.S. Sandhawalia, J.) we were of the considered opinion that the matter was to be considered by the expert committee i.e. the HPSC which is the selecting body and the recommendation having been given, the Government could not sit over the same and the matter was restored to the learned Single Judge with a direction to implead the HPSC as respondent. Both the writ petitions i.e. CWP-21463-2020 filed by the present appellant and CWP-4518-2021 filed by respondent No. 4 - Savita were disposed of by the learned Single Judge vide separate orders dated 27.07.2023 (Annexures P-12 & P-13, respectively) with the directions that the matter would be considered by the HPSC after giving personal hearing before passing of the speaking order.

4. Apparently, the speaking order dated 23.02.2024 (Annexure P-14) was passed by the HPSC which is the subject matter of challenge in the main writ petition i.e. CWP-5332-2024 and the interim orders have arisen out of the same. The learned Single Judge, while noticing the experience as such of the appellant with 'Pal Pal newspaper', came to the conclusion that it could be a local newspaper and did not fulfill the requisite of the Rules governing the service, whereby the requirement was of a national daily newspaper and resultantly had granted the blanket stay as such. It is in such circumstances, the appellant is in appeal.

5. On advance notice, Mr. Gauravjit Singh Patwalia appears on behalf of respondent No. 4 and filed vakalatnama and argued that the order passed by the HPSC as such is not justified and there is a finding recorded as such that the rule has to be amended and the claim of respondent No. 4 and other petitioners in CWP-15999-2020 was wrongly rejected.

6. We have perused the said order which was the subject matter of challenge. Prima-facie, we are of the considered opinion that the HPSC has also noticed that it does not prepare a waiting list. The respondent No. 4 did not feature in the select list of candidates and was never in the zone of consideration and her right to the said post will also be a subject of debate. The merit list as such prepared, which was also noticed by us on the earlier occasion, reads as under:-

Sr. No.	Roll No.	Name	Cat.	Cat. Considered	Written marks (out of 75)	Personal achievement (out of 12.5)	Interview marks (out of 12.5)	Total marks (out of 100)
2.	22291	Sumit Chawla	Gen.	Gen.	41.670	6.5	6	54.17
3.	22279	Satyapal Singh			37.118	8.5	5.7	51.3175
4.	22162	Sonia	Gen.	Gen.	33.330	10	6.25	49.58
5.	22276	Rajan Sharma	Gen.	Gen.	31.815	8	9	48.815
6.	22198	Manoj	Gen.	Gen.	34.088	7	7.125	48.2125
7.	22197	Aditya Chaudhary	Gen.	Gen.	32.573	8	7.15	47.7225

7. A perusal of the same would go on to show that the appellant herein had 54.17 marks and was at Serial No. 2 of the merit list. On account of the litigation which had been initiated, vide the interim order, he has been denied the consideration for appointment pursuant to an advertisement which was issued way-back on 10.09.2015. In such circumstances, we are of the

considered view that the appropriate order which may have been passed in such circumstances was that the appointment of the appellant herein could have been made subject to the decision passed in the writ petition and there could not have been a blanket stay as such as the validity of the order of the HPSC was yet to be tested and the issue was to be decided.

8. In such circumstances, we allow the appeal partly to that extent and vacate the stay to the extent that the appointment of the appellant as and when granted shall be subject to the decision of the final litigation.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

04.04.2024
Amodh Sharma

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