

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.6520 of 2024 (O&M)
Date of decision: 22.03.2024

Avtar Singh
.....Petitioner
Versus
State of Punjab and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Kashish Garg, Advocate
for the petitioner.
Mr. Rajesh Sehgal, Addl. A.G., Punjab.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioner under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for setting-aside the list (Annexure P-7) qua petitioner vide which the petitioner has been wrongly & illegally declared to be Not Eligible, despite the petitioner being eligible & fulfilling all the conditions as per the advertisement (Annexure P-1). Further a writ of certiorari has been sought for setting-aside the condition/instruction mentioned in Clause 12 (xvi) & (xvii) of the advertisement (Annexure P-1) particularly with regard to submission of driving license experience, on account of same being contradictory/against the qualification prescribed for the post of Driver/Operator (Municipal Corporation/Municipal Council) whereby it

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is specifically mentioned that a candidate must be holding license to drive heavy vehicles of not less than 5 years prior to the date of recruitment in fire services. Further a writ of mandamus has been sought for directing the respondents to consider the candidature of the petitioner with regard to the post of Driver/Operator (Municipal Corporation/Municipal Council.

2. Learned counsel for the petitioner, at the very outset, confines his prayer for deciding representation dated 07.03.2024 (Annexure P-10). He submits that at this stage, petitioner would be satisfied, if the said representation is decided by passing a speaking order within a time bound frame.

3. Notice of motion.

4. Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of the respondents and has no objection to the innocuous prayer made by learned counsel for the petitioner.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No.2, is directed to consider and decide the claim made in the representation dated 07.03.2024 (Annexure P-10) in accordance with law, by passing a speaking order within a period of 01 month from the date of receipt of certified copy of this order. In case, the petitioner is found entitled, his claim be released within a period of 03 weeks thereafter. In case, the respondents are of the opinion that the claim of the petitioner merit rejection the same be adjudicated upon by passing a

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speaking order after giving an opportunity of personal hearing to the petitioner within the time as stipulated hereinabove.

7. The petition stands disposed of.

(NAMIT KUMAR)
JUDGE

22.03.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No