

222

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9941-2021

Date of decision: 14.11.2024

SUMIT

...Petitioner(s)

VERSUS

HARYANA STAFF SELECTION COMMISSION AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

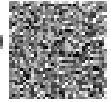
Present:- Mr. R. K. Malik, Senior Advocate with
Mr. Samrat Malik, Advocate and
Mr. Sandeep Dhull, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Divyansh Shukla, Advocate for
Mr. Hitesh Pandit, Advocate
for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

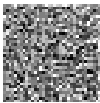
1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing respondent No.1 to consider the claim of the petitioner for selection and appointment as Junior System Engineer against General Category as he has obtained 93 marks and last selected candidate of General Category who has obtained 93 marks has been selected and further to direct respondent No.2 to consider the claim of the petitioner for appointment from the date the candidates lower in merit have been appointed and petitioner be granted all the consequential benefits thereof.



2. Learned Senior Advocate appearing on behalf of the petitioner submitted that the petitioner had applied for appointment to the post of Junior System Engineer against General Category. While referring to Annexure P-3 which is the final result for the aforesaid post, he submitted that the last selected candidate under the General Category secured 93 marks and 5 candidates were put on the waiting list for the General Category and the last candidate in the waiting list of General Category secured 92 marks.

3. Learned Senior Advocate appearing on behalf of the petitioner referred to para No.6 of the short reply filed on behalf of respondent No.1-HSSC, wherein it has been admitted by the respondent-HSSC that the petitioner also secured 92 marks and in this way, the petitioner ought to have also been included in the waiting list so that in case his turn comes then his name can be considered and be sent to the concerned department for the purpose of appointment.

4. On the other hand, learned State counsel submitted that although the petitioner had secured 92 marks but as per the instructions issued by the State Government, only 10% of the total vacancies for a specific category are to be put on the waiting list. He further submitted that for that purpose, there is a criteria with regard to either date of birth or the marks obtained but the same is not reflected or explained in the aforesaid short reply filed on behalf of the respondent-HSSC. He also submitted that since no such explanation is given in the aforesaid short reply, the respondent-HSSC will consider the name of the petitioner in the light of instructions issued by the State Government as to whether his name is to be included in the waiting list or not and accordingly pass an order within a period of two months from today.



5. After hearing learned counsels for the parties and the aforesaid factual position as so stated by the learned counsels for the parties, the present writ petition is disposed of. The respondent-HSSC is directed to consider the name of the petitioner against the waiting list category by passing an order, within a period of two months from today. Needless to say, the respondent-HSSC may consider any instructions which are issued by the State Government from time to time in this regard.

14.11.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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