



CM-3355-C-2022
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RSA-1053-2022

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

(216)

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Date of Decision : May 30, 2024

Deepak Kumar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kamaldip Singh Sidhu, Advocate, with
Ms. Kirandeep Kaur, Advocate, for the appellant.

Mr. Tapan Kumar Yadav, Deputy Advocate General, Haryana.

Mr. N. R. Dahia, Advocate, for respondents No. 5 and 6.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-3355-C-2022

Present application has been filed for condonation of delay of
114 days in filing the appeal.

Notice of the application was issued on 20.07.2022 and the
reply has already been filed.



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Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 114 days in filing the appeal is condoned.

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As prayed for, the application is allowed.

Annexures A-1 to A-3 are taken on record.

CM-3356-C-2022

As prayed for, the application is allowed.

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1. Learned counsel for the appellant submits that in the suit filed by the appellant-plaintiff, the challenge was to the selection made by the respondent-State qua the Advertisement No.2 of 2010 by which, posts of Assistant Superintendent Jail were advertised. Learned counsel for the appellant further submits that the ground of the challenge was that the reservation which has been provided is beyond the permissible limit of 50% and therefore, the selection which has been ultimately made is contrary to the highest ceiling provided for reserving the post.

2. Learned counsel for the respondents, on the other hand, submits that the appellant filed a civil suit challenging the selection and claiming certain marks while competing for the post in question. Learned counsel for the respondents further submits that the said selection was already subject matter before this Court in ***CWP No.6025 of 2014 titled as Harvinder***



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Singh vs. State of Haryana and others, decided on 31.05.2022 and other connected cases, which petitions have already been dismissed by the Coordinate Bench of this Court on 31.05.2022 after noticing all the factual aspects including whether, the reservation of the post was beyond the permissible limit of 50% or not.

3. Learned counsel for the appellant has not been able to rebut the said fact that the selection process which was under challenge at the hands of the appellant, has already been upheld by the Coordinate Bench of this Court in *Harvinder Singh's case (supra)*.

4. That being so, once the selection process has already been upheld by this Court and the same has already attained finality, the grievance raised by the appellant in the present appeal is liable to be rejected keeping in view the decision of the Coordinate Bench of this Court in *Harvinder Singh's case (supra)*.

5. At this stage, learned counsel for the appellant submits that private respondents were selected due to the influence of the then Chief Minister, Haryana as the private respondents belongs to his constituency.

6. It may be noticed that neither the then Chief Minister, Haryana was made party so as to allow him to rebut the said contention and nor the members of the Selection Committee on whom the said influence was allegedly exercised, were made party. In the absence of any member of the selection committee or the then Chief Minister, Haryana as party, the said



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argument cannot be allowed to be raised at the time of regular second appeal especially when the selection process has already been upheld by the Coordinate Bench while passing order in *Harvinder Singh’s case (supra)*.

- 7. No other argument is raised.
- 8. Keeping in view the above, no ground is made out for any interference by this Court in the present regular second appeal.
- 9. Dismissed.
- 10. Any civil miscellaneous application pending if any, also stands disposed of.

May 30, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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