

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+211

CM-18873-CWP-2023 in/and
CWP-12839-2018
Date of Decision :01.02.2024

Rajesh Kumar and another

...Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Charanji Lal, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

CM-18873-CWP-2023

As prayed for, application is allowed.

Rejoinder to the written statement filed on behalf of respondent

No.2 is taken on record.

CWP-12839-2018

1. In the present petition, grievance of the petitioners is that the petitioners have wrongly been ousted from being selected for the Post of Multi Purpose Health Worker, which posts were advertised vide advertisement No. 01/2015 by the respondents.
2. Learned counsel for the petitioners submits that petitioners had secured enough marks to be selected in the category in which they competed for the post in question but in a totally illegal and arbitrary manner, their claim has not been considered and the candidates, who were

lower in merit than the petitioners have been selected for the post in question.

3. Upon notice of motion, the respondents have filed reply wherein, it has been stated that the petitioners have not been able to secure marks equivalent to the marks secured by the last selected candidate in the category in which the petitioners were competing.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It may be noticed that the petitioners were competing for the post in question in the general category and as per the reply filed by the respondents, both the petitioners have secured 89 marks, whereas the last selected candidate in the category, in which the petitioners were competing had secured 112 marks and the candidate, who has secured 110 marks has been placed in the waiting list.

6. Keeping in view the fact that petitioners have secured less marks than the last selected candidate in the category in which they were competing, no grievance can be raised by the petitioners.

7. With regard to the argument of the learned counsel for the petitioners that the candidates lower in merit have been appointed in preference to them, nothing has been brought on record to prove that any candidate, who had secured less than 89 marks as secured by the petitioners, has been selected and appointed for the post in question hence, the said argument is liable to be rejected.

8. At this stage, learned counsel for the petitioners submits that in the interim order dated 17.12.2018 passed by the Coordinate Bench of this Court, as per the result produced by the learned State counsel, the petitioner

No.1 has secured 98 marks in written examination and 08 marks in interview whereas, petitioner No.2 stated to have secured 80 marks in written examination and 09 marks in interview hence, the averment made in the written statement that the petitioners have secured 89 marks, is liable to be rejected.

9. It may be noticed that learned counsel for the respondents has already apprised this Court that in the interim order dated 17.12.2018 where it is stated that petitioner No.1 has secured 98 marks in written examination was wrong, as incorrect result was produced before this Court. Further, even if, it is assumed for the sake of argument that the petitioner No.1 has secured 98 marks in written examination and 08 marks in interview, even then also, he has not secured enough marks to be selected for the post in question as it is conceded position that last selected candidate in the category in which the petitioners were competing, had secured 112 marks, whereas, score of the petitioner No.1 even after adding the marks of the interview comes to 106, which is less than the marks secured by the last selected candidate in the category in which petitioners were competing. The total marks of the petitioner No.2 are even less than that of petitioner No.1.

10. Keeping in view the above, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

February 01, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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