

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-850-2023 (O&M)

Date of decision:- 16.01.2024

Haryana Staff Selection Commission through its Chairman and
another

...Appellant(s)

Versus

Deepak Singh and others

...Respondent(s)

CORAM: **HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE**
HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Deepak Balyan, Additional Advocate General, Haryana,
for the appellants.

Mr. A.P.S. Sandhu, Advocate,
for respondent No. 1.

* * * *

RITU BAHRI, A.C.J. (ORAL)

CM-2163-LPA-2023

For the reasons mentioned therein, the delay of 17 days in filing
the appeal is condoned.

The application stands disposed of.

LPA-850-2023

The appellants have come up in appeal against the judgement and
order dated 22.12.2022 passed by the learned Single Judge, whereby the writ
petition filed by the petitioner (respondent No. 1 herein) was allowed keeping
in view the judgement of the Supreme Court in *Charles K. Skaria and others*
Vs Dr. C. Mathew and others (1980) 2 Supreme Court Cases 752 and he was
held entitled for two marks for having successfully undergone an
NCC 'B' course.

The respondent No. 1 was in the general category and had
obtained 63.35 marks, whereas the last candidate whose name was mentioned
in the select list under that category had secured 63.55 marks. After giving the
benefit of 02 marks, the respondent No. 1 would have secured 65.35 marks
which would be higher than the marks secured by the last candidate.

Learned State counsel, appearing for the appellants, has argued
that the result was declared on 23.06.2017 and in the general category the
cut-off was 65.55 marks and even if 02 marks had been given to the
respondent No. 1, he would have secured 65.35 marks which is lower than the

marks obtained by the last candidate. He has referred to the judgement of the Supreme Court in *The State of Bihar and others Vs Madhu Kant Ranjan and another*, 2022(1) S.C.T. 223.

As per paragraph 9 at page 104 of the reply dated 12.09.2022 filed by respondents No. 2 and 3, the final result (Annexure P-6) was declared on 09.08.2019 and the cut-off marks was 64.50. Keeping in view this fact, after giving the benefit of 02 marks, the respondent No. 1 had secured 65.35 marks and as per the impugned judgement he had every right to be appointed against the general category.

In so far as the judgement of the Supreme Court in *The State of Bihar and others Vs Madhu Kant Ranjan and another* (supra) referred to by the learned State counsel for the appellants is concerned, the same has already been examined by this Court in LPA-699-2023 titled as *Haryana Staff Selection Commission Vs Naresh Kumar and others* which was dismissed on 02.12.2023.

In view of the aforesaid, we are of the considered opinion that the impugned judgement rendered by the learned Single Judge does not require any interference by this Court.

The appeal being meritless accordingly stands dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

16.01.2024
Amodh Sharma

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