

CWP No.26563 of 2018 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.26563 of 2018 O&M)

Date of decision : 15.01.2024

Dharamvir Singh

....Petitioner

Versus

State of Haryana and Ors

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Jasbir Mor, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present petition, the grievance of the petitioner is despite being eligible, the petitioner was not allowed to participate in the scrutiny of the document-cum-driving proficiency test which was held on 09.12.2017 due to which, the claim of the petitioner has not been considered for the said post.

As per facts mentioned in the petition, an advertisement No.4 of 2017 was issued, vide which, 2038 posts of the heavy vehicle driver were to be filled up by the respondent-Department keeping in view the qualifications which were mentioned in the advertisement (Annexure P-4). The petitioner who was fully eligible as per essential qualification advertised, applied for the same in the reserved category of scheduled castes. The petitioner appeared in the written examination and was declared successful keeping in view the result declared on 10.11.2017. Copy of which has been appended as Annexure P-3.

Candidates who cleared the written examination were called for the scrutiny of the document cum driving proficiency test to be held on 09.12.2017

(Annexure P-5) and though the petitioner came to appear for the said scrutiny of

the document cum driver proficiency test but he was not allowed on the ground that there is a case of impersonation registered against the petitioner on 09.12.2017 (Annexure P-5) itself keeping in view the bio-matric record obtained while conducting the written examination. The said action is under challenge in the present petition.

Learned counsel for the petitioner argued that the FIR which was registered on 09.12.2017 has already been cancelled by the respondents meaning thereby the allegation that the petitioner impersonated while conducting the written examination has not been proved. He further submits that once the petitioner had already cleared the written examination, now the respondents are under obligation to hold scrutiny of document cum driving proficiency test of the petitioner and in case, he clears the same, the respondents be directed to consider the claim of the petitioner against one of the advertised posts in the reserved category of scheduled castes.

Learned counsel for the respondents submits that keeping in view the fact that the FIR with regard to the allegation of impersonation has already been cancelled, the petitioner would be called for the scrutiny of document cum driving proficiency test and in case, he passes the said test, appropriate action with regard to consideration of the claim of the petitioner against one of the advertised post in the reserved category of scheduled castes will be taken and appropriate order will be passed within a period of 8 weeks from the date of the receipt of certify copy of this order.

Learned counsel for the petitioner submits that keeping in view the statement of the learned counsel for the respondents, the present petition may kindly be disposed of as having been not pressed but in case, the petitioner is qualified and is appointed, he should be given appointment keeping in view of

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the merit obtained qua the other candidate who had participated in the category in which the petitioner participated.

Learned counsel for the respondents submits that in case the petitioner is found successful, appropriate relief keeping in view the merit will be granted including the appointment if any, to be granted to the petitioner.

It is directed that the process of scrutiny of the documents cum driving proficiency test of the petitioner will be duly videographed so as to rule out any irregularities in the said process.

Learned counsel for the petitioner submits that his right to claim compensation for illegal prosecution and delay in appointment be kept open in case the petitioner wishes to exercise his option of claiming the same before the Civil Court.

Ordered accordingly.

CM No.18427-CWP-2021

Application stands disposed of accordingly.

15.01.2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable : No