

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CM-416-CWP-2024 in/and
CWP-28108-2018
Date of Decision : January 16, 2024

Aman Vishnoi

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Munish Jolly, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Mr. Kanwal Goyal, Advocate, for respondent No.2-HPSC.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-416-CWP-2024

Present application has been filed for recalling the order dated 05.12.2023, by which, the present writ petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent No.1-State and Mr. Kanwal Goyal, Advocate, accepts notice on behalf of respondent No.2-HPSC. They raise no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The order dated 05.12.2023 is recalled and the writ petition is restored to its original number and status.

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1. In the present writ petition, the grievance of the petitioner is that the candidates whose candidature was rejected by the respondents on the ground that they were not eligible, have been ultimately selected, which act of the respondents is totally arbitrary and illegal whereas, the petitioner who was fully eligible as per the Advertisement, has not been selected.

2. The prayer of the petitioner is for setting aside the selection of the private respondents and consequently select the petitioner against the post to be vacated by the private respondents.

3. Certain facts needs to be mentioned for the correct appreciation of the issue in hand.

4. The respondent-Commission invited applications for various posts. In the advertisement dated 29.07.2016 (Annexure P-1), the last date of application form was 29.08.2016 and in the advertisement itself, the minimum qualification required to compete for a particular post was also mentioned. The petitioner, who was eligible for the post of Assistant Director (Industrial Promotion) filled in the form for competing for the said post but was not selected for the said post whereas, the private respondents have been selected hence, the petitioner is challenging the appointment on the ground that the private respondents were initially not found qualified, however, later, they have been selected.

5. In the reply filed by the respondents, the respondents have stated that initially, prima facie the Commission was of the view that the private respondents were not eligible as per the essential qualification mentioned in the advertisement and that is why, they were given a show cause notice to explain as to why their candidature be not rejected and in

pursuance to which show cause notice, the candidates concerned filed their reply showing their eligibility and ultimately, the Commission accepted the prayer of certain candidates including some of private respondents and approved their participation in the interview and they were interviewed accordingly.

6. Learned counsel for the respondents had showed the noting portion where, the candidature of 7 candidates out of 19 candidates, who were prima facie treated as not eligible, was approved to be called for interview by treating them eligible.

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

8. The only argument which has been raised by the learned counsel for the petitioner to challenge the appointment of the private respondents that some of the private respondents were not found eligible initially but though they have been selected in the ultimately selection. The said argument is to be decided on the basis of the factual averment made by the respondent-Commission. In the present case, the candidature of the private respondents was not rejected being ineligible rather, the show cause notice was issued to the some of the candidates i.e. 19 in number, that keeping in view the document submitted by them, the Commission is prima facie of the view that they are not eligible and in case they have any objection to the said view, they can be revert back to the Commission within a period seven days. The candidates including some of the private respondents responded to the said notice and ultimately, 7 out of 19, candidates were found eligible to be called for interview which included some of the private respondents. That being the factual position, it cannot be said that the private respondents have been selected despite the fact that

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they were declared ineligible. The respondent-Commission has produced

the noting portion where 7 candidates were declared eligible to be called for

interview hence, have been interviewed and the same was also perused by

the learned counsel for the petitioner.

9. That being the factual position, no ground is made out for any interference by this Court qua the selection made by the Commission.

10. No other argument was raised.

11. Dismissed.

January 16, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes