



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CWP No. 29515 of 2018
Date of Decision : 20.05.2024

Rakesh Kumar

...Petitioner

Versus

Haryana Staff Selection Commission and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Yogesh Goyal, Advocate for the petitioner.
Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, grievance being raised by the petitioner is that while considering his claim for the post of Conductor as advertised vide Advertisement No. 4/2017, the petitioner's claim has not been evaluated as per his merit and the candidates lower in merit than the petitioner have been granted appointment whereas, the petitioner, who has higher merit has been ignored.
2. After the notice of motion, the respondents have filed reply, wherein, the detailed reasons, as to why, the petitioner could not be selected for the post in question. It has been mentioned in the reply that the petitioner applied for the post of Conductor in the EBPGC-OSP



Category, which Category was not available in the Advertisement. Further, the petitioner was found ineligible for the post in question as he did not attach the required Sports Gradation Certificate.

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

4. Once, the petitioner's claim for appointment to the post in question has been considered by the respondents and as per the reply filed by the respondents, the petitioner was not found eligible for competing for the post in question, details of which has been given in the reply, the claim raised by the petitioner cannot be accepted.

5. The said averments have gone un rebutted.

6. Keeping in view the facts and circumstances recorded hereinbefore, claim of the petitioner has been considered by the respondents in accordance with law and detailed reasons have been given for not selecting the petitioner against the post advertised, which reasons have gone un rebutted, no ground for the grant of relief as claimed in the present petition is made out and the writ petition is accordingly dismissed.

7. At this stage, learned counsel for the petitioner submits that the petitioner should have been considered in the general category in case, he was not eligible in the ESP category.

8. It may be noticed that the petitioner never raised the said grievance with regard to change of category from Eligible Sports Person to general category. Once, the petitioner had applied in the reserved



category of Eligible Sports Person, the petitioner is entitled to fulfill the requisites of the same.

9. With regard to the argument that the petitioner should be considered in general category, it may be noticed that the selection process for the post in question has already been completed and no candidate, who has already been appointed in the general category and is likely be affected by the outcome of the present petition, has been made party to the present petition hence, in the absence of the same, no relief can be granted to the petitioner.

10. Dismissed.

May 20, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No