



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

111 **LPA-2665-2024 (O&M).**
Date of Decision: 07.11.2024.

Amit KumarAppellant.
VERSUS
State of Haryana and othersRespondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Ms. Maloo Chahal, Advocate (Legal Aid Counsel)
for the applicant/appellant.

ANUPINDER SINGH GREWAL, J. (Oral)

CM-6504-LPA-2024

This is an application seeking condonation of delay of 249 days
in preferring the appeal.

Learned counsel for the applicant/appellant submits that
applicant was not in knowledge of dismissal of his writ petition and after
coming to know about same, the applicant approached the Legal Services
Authority and a counsel had been provided to him and therefore, the delay has
occurred in filing the appeal.

Heard. The appeal has been filed through Legal Aid Counsel,
HCLSC. The delay does not appear to be deliberate or intentional. It would be
in the interest of justice if the delay is condoned and the appeal be heard and
decided on merits.

Consequently, the application is allowed and delay of 249 days in preferring the appeal is condoned.

CM-6505-LPA-2024

This is an application seeking condonation of delay of 21 days in refiling the appeal.

For the reasons stated in the application, same is allowed and delay of 21 days in refiling the appeal is condoned.

LPA-2665-2024

The appellant has challenged order dated 14.11.2023 passed by the Single Bench, whereby CWP-15192-2021 preferred by the appellant/petitioner had been dismissed.

2. Learned counsel for the appellant submits that in the declaration of the official result for the post of Store Assistant in the EWS category, it had been mentioned that there was no suitable candidate in the category. However, later the official respondents through manipulation had appointed respondent No.4 to the said post, which is illegal and deserves to be set aside.

3. Heard.

4. We deem it appropriate to reproduce hereunder the relevant extracts of the reply filed by the official respondents in the writ petition:-

“In this regard it is submitted that the Respondent Commission declare the result of the written examination and issues notice to the candidates for the scrutiny of documents vide dated 06.11.2020, in which three candidates of EWS category was called and the last candidate who was called for the scrutiny of documents has secured 89 marks. All the three candidates were found not eligible for the post in question therefore the post remained vacant due to non availability of suitable candidate.

Further the Respondent Commission again issued a notice on 28.05.2021, in continuation of earlier notice dated 06.11.2020 and 16.03.2021 and five more candidates of EWS category have been called for Scrutiny of Documents provisionally to ascertain eligible candidates and further subject to the fulfillment of their eligibility conditions as per advertisement and service rules and the last candidate who was called for the scrutiny of document vide notice dated 28.05.2021 has secured 82 marks whereas the petitioner has secured 58 marks. Therefore the candidate who has been recommended has secured 88 marks in the written examination and 93 marks total in the final result dated 16.06.2021, whereas the petitioner has not been called for scrutiny of documents due to lesser marks.”

5. The appellant had applied for the post of Store Assistant under the EWS category in response to the Advertisement issued by the official respondents on 05.07.2019. There was only one post in the EWS category. The result was declared on 16.03.2021 and roll numbers of the successful candidates had been mentioned therein, but it was mentioned that there is no suitable candidate eligible for appointment under the EWS category. The petitioner filed a writ petition (CWP-8712-2021) challenging the action of the official respondents in not appointing any candidate including himself to the post of Store Assistant under the EWS category. An interim order was passed and it was directed that one post in this category be kept vacant. However, the petitioner is stated to have withdrawn the said writ petition on 30.07.2021. Thereafter, the official respondents had appointed respondent No.4 to the post of Store Assistant under the EWS category. Respondent No.4 had secured 93 marks (88 marks in the written examination and 5 marks under the socio economic criteria). Total marks obtained by the petitioner were 58. There

were other candidates as well, who had secured higher marks than the petitioner, whereas 93 marks were obtained by respondent No.4. It is, thus, apparent that the appellant had secured 58 marks while respondent No.4, who had been appointed to the post of Store Assistant under the EWS category, had secured 93 marks and, therefore, the action of the official respondents in offering appointment to respondent No.4 instead of the petitioner cannot be faulted in any manner. Consequently, we do not find any merit in this appeal, which stands dismissed.

Pending application(s), if any, also stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

07.11.2024
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No