

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

LPA-80-2024 (O&M)
Decided on : 13.02.2024

Saroj

.....Appellant(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI

Present: Mr. Deepak Singh Saini, Advocate for the appellant (s).

Mr. Rahul Dev Singh, Addl. AG, Haryana.

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-197-LPA-2024

Application for condonation of delay of 36 days in filing the appeal is allowed, in view of the averments made in the application, duly supported by the affidavit. Delay of days 36 in filing the appeal is condoned.

CM stands disposed of.

LPA-80-2024

1. Consideration in the present letters patent appeal is to the order dated 17.10.2023 passed by the learned Single Judge in CWP-23582-2023 filed by the appellant. Vide the said order the learned Single Judge had dismissed the writ petition by rejecting the claim of the writ petitioner, whereby she was aggrieved against the appointment of private respondent No.5 as Cook under the Mid-day Meal Scheme. Challenge was also made to the order dated 25.09.2023 (Annexure P-10) whereby reasons had been given to justify the appointment of the said private respondent.

2. The learned Single Judge noticed that there was nothing illegal or irregular and even if one mark has wrongly been given to respondent No.6, then the same need not be gone into by the Court, since she belongs to a different category and the writ petitioner could not compete against her.

3. Counsel for the appellant has stressed upon the fact that one mark was granted as such for the experience for the cook without any provision in

the instructions dated 24.12.2014 which was relied upon by the respondents themselves in the order which has been challenged.

4. We have gone through the chart as such which is reproduced in the said order, which would go on to show that against the two posts one person was selected from the SC Category, whereas the private respondent who belonged to OBC(BCB) Category was selected. Both of them had been granted 7 marks, whereas the appellant had been granted 6 marks, on the basis of the criteria prescribed for two posts of Cook, out of which, one was reserved for SC Category and one for other category. As noticed above, even if awarding of one mark is discarded, still the appellant being from SC Category, would not get the benefit, since the instructions 1(vii) given in the order dated 25.09.2023 (Annexure P-10) provided that there has to be representation from all other categories, whereas 50% was reserved for SC Woman. The said clause reads as under:-

“(vii) Primary Education and Literary Department, Ministry of Human Resources, 50% reservation to be given to SC Woman means a SC woman must be given priority in appointment of cook-cum-helper and 1/3 of total cook cum helper must be SC woman. After this Divorce/BPL/Backward Class woman be accorded priority.”

5. Even if we discard the one mark which was granted for experience, still the private respondent would have to be given the preference, in view of Clause (vii) reproduced above.

6. In such circumstances, we do not find any plausible reason to interfere in the order passed by the learned Single Judge. Resultantly, the present appeal is dismissed in limine.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

13.02.2024
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No