

2025:PHHC:016581



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

217

CWP-3800-2022
Date of Decision: 03.02.2025

DHARMENDER KUMAR

... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Gopal Sharma, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Challenging the final result dated 08.10.2021 as well as the remaining final result dated 02.02.2022 qua BC 'A' category (waiting) for the post of Inspector (Food and Supply) against Advertisement No.7 of 2015, the petitioner has approached this Court.

Learned counsel for the petitioner contends that the respondent No.2-Haryana Staff Selection Commission (hereinafter to be referred to as 'HSSC') had invited applications for direct recruitment to 48 posts of Inspector (Food and Supply). Pursuant thereto, the petitioner submitted his online application alongwith all necessary documents under the BC 'A' category for which six posts had been reserved, on 18.11.2017. The petitioner participated in the written examination that was conducted and the answer key was uploaded. The petitioner calculated his marks as per his own OMR sheet as 146. After the

declaration of the result of the written test, the candidates including the petitioner were called for scrutiny of documents and on successful scrutiny, the interview was fixed for 22.12.2017. Separate Admit Cards were also issued pursuant where to the petitioner participated in interview held on 22.12.2017. It is submitted that the result was, however, not declared then and was finally declared after more than three years, wherein the name of the petitioner did not figure. He submits that the respondent-HSSC declared the final result by revising the result of the written examination dated 25.09.2021 and called more candidates for scrutiny of documents and that the petitioner had not been selected in the final result declared by them. It is contended that the process whereby the respondent-HSSC inducted more candidates whose names were not figured in original result declared, was illegal and arbitrary and has thus caused prejudice to the rights of the petitioner. It is further submitted that respondent-HSSC announced the remaining final result on 02.02.2022 and selected the persons who were initially not within the cutoff list as declared by the respondent-HSSC, thereby causing irreparable loss to the petitioner apart from showing an arbitrary action on the part of the respondent-HSSC.

Responding to the above, learned State Counsel contends that while the issuance of advertisement and declaration of initial result is not disputed, the respondent-HSSC had conducted the written examination, in which the petitioner appeared and had secured 142 marks in the result declared on 14.11.2017. The shortlisted candidates including the petitioner were called for scrutiny of documents vide notice dated 14.11.2017. The interview process was also held and the petitioner also appeared in the same. He contends that certain candidates had filed writ petitions before the High Court challenging

answers to certain questions and on the basis thereof, the result of the written examination was revised after receipt of report from the Chief Examiner and in the re-evaluated results, a fresh notice for interview vide notice dated 25.09.2021 was issued. In the said revised result, the shortlisting of candidates for interview in BC 'A' category increased from 142 marks to 150 marks. It is submitted that even though the total marks secured by the petitioner increased from 142 to 146, however, as the cutoff for the BC 'A' category had overall increased to 150 marks, hence, he could not make into the shortlisted candidates. The final result was accordingly declared on the basis of the revised result published by the respondent-HSSC on 25.09.2021. The name of the petitioner did not figure in the same as he failed to secure minimum benchmarks and as such, there was no occasion for consideration of the candidature of the petitioner.

Even though a formal replication had been filed, however, there is no illegality pointed in the revision of the result undertaken by the respondent-HSSC on 25.09.2021 consequent upon receipt of report of the Chief Examiner and as such, in the absence of any challenge to the result declared on 25.09.2021 and the minimum cutoff marks having been determined as 150 (which such cutoff marks have not been secured by the petitioner), it cannot be held that notwithstanding the revision of the result, the respondent-HSSC should still declare the result of the erstwhile process initiated in 2017.

Issuance of any such direction would amount to implementation of a declared result, which has been found as incorrect and not based upon correct evaluation by the examiner. Such a plea cannot be accepted at this juncture.

Finding no error in the action of the respondent-HSSC in revising the result on account of the impending writ petitions before the High Court due to certain questions having been wrongly evaluated, the declaration of final result dated 08.10.2021 and remaining final result dated 02.02.2022 cannot be held to be illegal or to be prejudicial to the rights of the petitioner.

The present writ petition is accordingly dismissed.

FEBRUARY 03, 2025.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No