



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

142 & 143 (2 Cases)**CWP-6339-2025****Date of Decision: 06.03.2025****Pradeep Singh and others****...Petitioners****Versus****State of Haryana and others****...Respondents****With****CWP-6347-2025****Abhishek and others****...Petitioners****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Sunil Kumar Nehra "Sirsa", Advocate for the petitioners
(in both the petitions)

Ms. Rajni Gupta, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP-6339-2025*.

2. The petitioners through instant petition under Article 226 of the Constitution of India are seeking direction to the respondents to consider them as per judgment dated 18.02.2025 (Annexure P-6) passed by this Court in *CWP No.26561 of 2021*.

3. The petitioners, pursuant to advertisement, applied for the post of Shift Attendant. They participated in the written test. As per



advertisement, there were additional marks for experience. The petitioners formed an opinion that experience marks should be added in the marks of written test for calling the candidates for interview. The opinion of the Commission was entirely different. They approached this Court by way of writ petitions including *CWP No.21144 of 2017*. The matter came up for consideration before learned Single Judge who passed interim order in their favour. The interim order came to be challenged before Division Bench by way of Intra-Court Appeal. The Division Bench set aside order passed by learned Single Judge. The writ petition finally came to be dismissed holding that it is wisdom of the Commission to decide the stage for the purpose of inclusion of marks of experience.

4. Another set of writ petitions came to be filed before this Court on the ground that there are more than 100 candidates who have been wrongly awarded marks of experience. This Court called record of the Commission and appointed a Local Commissioner to examine claim of the petitioners. The Local Commissioner confirmed that there are 260 candidates who have been granted marks on the basis of experience. This Court vide judgment dated 18.02.2025 disposed of bunch of petitions including *CWP No.26561 of 2021*. The Court directed the respondents to re-calculate marks of the candidates who have been granted marks of experience in the light of observations made in the judgment. The respondent was further directed to reconsider claim of the petitioners. In the order, it was made clear that benefit of the order shall be available to those candidates who have approached this Court by today i.e. 18.02.2025.

5. Mr. Sunil Kumar Nehra “Sirsa”, Advocate submits that petitioners are not fence sitters. They approached this Court in 2017 and



their writ petition was disposed of in 2023. They were pursuing the matter, thus, they are also entitled to be reconsidered.

6. Notice of motion.

7. Ms. Rajni Gupta, Additional Advocate General, Haryana, who on advance notice is present in Court, accepts notice on behalf of respondent-State.

8. With the consent of both sides, the matter is taken up for final adjudication.

9. Learned State counsel submits that petitioners in the earlier round of litigation were claiming that they were not permitted to participate in the interview. The Commission did not call them for interview because they had secured lesser marks than last candidate called for interview. The marks of written test were considered for interview. This Court vide judgment dated 08.11.2023 dismissed their petition holding that Commission has rightly considered marks of written test for calling the candidates for interview.

She further submits that Abhishek son of Sh. Sant Lal (petitioner No.1 in *CWP No. 6347 of 2025*) was called for interview as he had secured marks more than last candidate called for interview, thus, he would be considered as per judgment dated 18.02.2025 of this Court.

10. From the perusal of record, it is evident that in the earlier round of litigation, the petitioners were claiming that they should be allowed to participate in the interview because they were having experience as Shift Attendants and if they are granted marks of experience, they would be better

than other candidates for the purpose of interview. This Court by order dated



08.11.2023 finally turned down their plea meaning thereby they were not eligible for interview because they had not secured marks more than last candidate called for interview.

11. This Court vide judgment dated 18.02.2025 declared that respondent-Commission has wrongly awarded marks of experience to many candidates. The marks of experience need to be reconsidered. Principally, it has been ordered that the marks which are wrongly granted should be deleted from total marks i.e. marks of written test plus marks of experience. The petitioners though on account of interim order of this Court might have been interviewed, however, by final order, their claim for interview has been rejected. This Court by order dated 18.02.2025 has clearly held that benefit of judgment would be available to those candidates who have approached this Court by 28.02.2025. The object was to avoid multiplicity of further litigation. The petitioners were not part of the litigation which was contemplated while passing judgment dated 18.02.2025. The petitioners, at this stage, cannot claim benefit of said judgment on the ground that they, on earlier occasion, had approached this Court though for different cause.

12. In the wake of above discussion and findings, this Court is of the considered opinion that present petitions being bereft of merit deserve to be dismissed and accordingly dismissed. It is made clear that claim of Abhishek as conceded by respondent would be considered.

(JAGMOHAN BANSAL)
JUDGE

06.03.2025
Mohit Kumar

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