



CWP-12267-2020

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

Serial No.215

CWP-12267-2020

Decided on:02.12.2025

Bhagwan Singh

. . . Petitioner

Versus

Kurukshetra University, Kurukshetra and others

. . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: None for the petitioner.

Mr. Daanish Mahajan, Advocate for
Mr. Prateek Mahajan, Advocate
for the respondents.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed seeking a writ of *certiorari* quashing the impugned relieving order dated 20.07.2020, Annexure P-10, passed by respondent no.3, Deputy Registrar of the University. Also, a writ of *mandamus* has been sought directing the University to take the petitioner back in service with continuity from the date of his initial appointment.

2. As per the facts apparent on record, the petitioner applied for the post of Clerk (Budgeted) as Scheduled Caste (SC) category candidate in response to the advertisement 1/2019. His application form is on record as Annexure P-2, wherein his category is mentioned as '*SC of Haryana*'. After completion of the selection process he was issued an appointment letter dated 05.09.2019, Annexure P-5, and joined as such. The University later found that



the appointment had been issued to him as Clerk under Ex-serviceman (ESM) category, by treating him as Dependent of Ex-Serviceman (DESM) from SC category, but he did not belong to this category. Thereafter, he was asked to explain as to why, being a probationer, he should not be relieved from service. Considering his response to the show cause notice, the University, vide impugned order dated 20.07.2000, discharged him from duty as Clerk with immediate effect. One month's salary in lieu of the notice period was also released to him. The order has been challenged in the instant petition.

3. Learned counsel for the University contended that the compilation of data of selected candidates had been outsourced to a third party, viz., ACE Integrated Solutions Ltd. The company had erroneously shown the petitioner a selected candidate under DESM category candidate in the list of selectees uploaded on the University's website on 05.09.2019. This error came to notice later and he was issued a show cause notice. Besides, the outsourcing agency was penalised by imposing a penalty of ₹2,00,000 for the error committed. It is further submitted that the petitioner neither belonged to SC ESM category, nor had he applied under it. Even as per the merit of SC candidates, he did not qualify as his score was less than that of the last selected candidate. In this regard, he referred to the following averments in the written statement:

2. That the present petition is bad in law as the Petitioner is not legally entitled to the relief that the petition prays for. The Petitioner has claimed that his erroneous appointment can possibly be rectified by letting him continue in service against vacant posts meant for SC category of Haryana. It is vehemently denied that 05 posts of Clerk under SC category of Haryana are



lying vacant and that the Petitioner was wrongly relieved from his services despite such vacancies. As explicated above, the Petitioner was appointed against the post of Clerk meant for ESM (SC) category whereas he does not belong to that category. Hence, the petitioner was relieved of his services. More importantly, it is submitted that the Petitioner does not fall in the merit of SC category candidates for the post of Clerk (Budgeted). As per criteria manifest in the merit list Annexure R-3, the total marks of the last selected candidate in the SC category are 58.162 whereas the total marks of the Petitioner are 54.011. Even in the waiting list of SC category candidates (copy of waiting list attached as Annexure R-4), the total marks of the last candidate are 56.183 which are higher than the Petitioner's marks. As such, allowing the Petitioner to continue on the post of Clerk in SC category would engender gross injustice for all those candidates who have secured more marks than the Petitioner. In light of this, it would be significant to summon the Hon'ble Apex Court's words in *Hotel Balaji v. State of A.P.*, AIR 1993 SC 1048: "To perpetuate an error is no heroism. To rectify it is the compulsion of the judicial conscience."

These facts have not been disputed by the petitioner by filing any counter affidavit, or bringing any other documents on record.

4. Heard.

5. It remains undisputed on the record that the petitioner applied for the post in question as SC category candidate, and not under SC ESM or DESM category. Due to an error committed by an outsourcing agency, he was offered the appointment. Correcting the same, the appointment was cancelled, leading to his discharge from duty vide impugned order dated 20.07.2000. It is also undisputed that he does not fall amongst the selected candidates of SC category on the basis of merit.



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6. Accordingly, no exception can be taken to the impugned order relieving him from service.

7. Dismissed.

02.12.2025

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**(TRIBHUVAN DAHIYA)
JUDGE**

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