



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

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CWP-13250-2020

Date of decision: 01.04.2025

VANDNA SHARMA AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Amit Jhanji, Senior Advocate with
Mr. Jasbir Mor, Advocate
for the petitioner.

Mr. Pravindra Singh Chauhan, Advocate General, Haryana with
Mr. Tapan Kumar, DAG, Haryana.

Mr. Duni Chand, Advocate with
Mr. Ashish Gupta, Advocate
for respondents No.3, 5, 6, 11, 12,
14, 15, 17, 18, 20, 21, 23 and 24.

Mr. Sushil Jain, Advocate
for respondent No. 25.

Mr. Kuldeep Sheoran, Advocate
for respondents No. 30 to 32.

VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present writ petition is for directing the respondent-Haryana Staff Selection Commission to recommend the name of the candidates of General Category including the name of the petitioners, from the waiting list of General Category against the advertisement No. 10/2015 dated 24.11.2015 and the final selection result declared on dated 14.03.2018.



2. Learned Counsel for the petitioner contends that pursuant to the advertisement issued by the respondents for appointment to the post of Clerks, recommendations were made by the Haryana Staff Selection Commission. He contends that persons belonging to certain reserved categories were recommended against the vacancies advertised for the General Category since they had secured more marks than the last selected candidate in the General Category. He further submits that owing to non-joining of certain candidates belonging to reserved category (who had been recommended against the General Category) the respective departments sought for additional recommendation from the Haryana Staff Selection Commission. It is contended that the respondent-Commission, however, recommended candidates against the post of General category (originally filled up by way of recommendation of persons belonging to the reserved categories on account of having secured more marks than the last selected candidate in the General Category) from amongst the persons belonging to the respective reserved categories. He contends that said action was invalid inasmuch as only the person who was next in the order of merit i.e. from amongst the waiting list of General Category and who secured more marks than the persons eventually recommended by the Haryana Staff Selection Commission to fill up the said posts have been left out in the said process of recommendation.

3. Learned Advocate General, Haryana refers to the Additional affidavit filed by Kapil Grover, Under Secretary, Haryana Staff Selection Commission, Panchkula and acknowledges the lapse. He accepts that during

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the re-examination of the case from the record, it transpires that a waiting list of 155 candidates of General Category was prepared as per the instructions of the Chief Secretary dated 22.09.1987. He further admits that as per the vacancy position received from the various Departments/Boards/Corporations due to non-joining of candidates against the General category post from select list, the Commission recommended candidates upto Merit No. 116 from the list of 155 candidates of General waiting list but upon re-verification, it was found that 06 departments out of 16, simply sent the requisition for filling up vacant post from amongst waiting list and that the Commission inadvertently recommended some of the candidates from the waiting list of reserved category. A total of 26 candidates of reserved categories were wrongly recommended against General category posts from the waiting list of the reserved categories against Advt. No. 10/2015. He further submits that the State admits and acknowledges that there was erroneous recommendation and that it shall take the remedial measures of reassigning the respective merit to the candidates who were entitled to be recommended and/or were wrongly left out of the recommendation. He contends that the entire exercise shall be undertaken by the respondent-Staff Selection Commission within a period of **two months** of the receipt of certified copy of this order and the recommendation for appointment of persons, who are otherwise higher in their own merit shall be made forthwith.

4. The present writ petition is accordingly disposed of as having been rendered infructuous at this stage in view of the affidavit filed by the

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respondent-State and undertaking given by the Advocate General, Haryana for undertaking the entire re-verification process and making a fresh recommendation after re-examining the *inter se* merit of the respective candidates within a period of two months of receipt of a certified copy of the order.

5. Needless to mention that the candidates who are offered appointment consequent to the above shall be given their seniority and all consequential notional benefits w.e.f the original recommendation of the other candidates, in the order of their respective inter-se merit. The candidates shall be entitled to actual benefits from expiry of two months, as above.

6. Needless to mention that any other person, who is /are prejudicial on account of an exercise undertaken above, for a grievance other than arising out of the illegality admitted by the State as above, shall be at liberty to take recourse to their remedies in accordance with law.

7. The State shall remain bound by its undertaking and the timelines for making recommendation and appointment as per merit, from amongst the wait-list candidates.

APRIL 01, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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