



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

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**CWP-12355-2025 (O&M)
Decided on : 02.05.2025**

MANISH KUMAR AND OTHERS

..PETITIONERS

Versus

**PUNJAB AND HARYANA HIGH COURT CHANDIGARH AND
OTHERS**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Jasbir Singh Mor, Advocate for the petitioners.

Ms. Diya Sharma, Advocate
for respondent No. 1 & 8.

Mr. Saurabh Girdhar, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Learned counsel for the petitioner submits that the petitioners competed for the post of Clerk in pursuance to the advertisement No. 04/2020 which was advertised by the Government of Haryana and 'No Objection' was given by the competent authority where the petitioners were working at the relevant time i.e. the District and Sessions Judge, Hisar to appear in the written examination and thereafter, the petitioners got selected for the post in question.

2. Learned counsel for the petitioners submits that rather than giving the opportunity to submit the technical resignation, the petitioners were forced to simply resign in order to join the new job in the Government of Haryana. Learned counsel for the petitioners submits that the said act on



the part of the respondents No. 8 in treating the resignation submitted by the petitioners as simple resignation instead of technical resignation is causing prejudice to the petitioners as the petitioners will not be able to claim certain benefit from the Government of Haryana qua the service which the petitioners had rendered with the particular sessions Divisions.

4. Learned counsel for the petitioners further submits that the question of law raised in the present petition has already been answered by this Court while passing the order in the similar writ petition i.e. CWP No.35184 of 2019 titled as **Ram Mehar and another Vs. State of Punjab and others** decided on 21.01.2025, which views were reiterated in CWP No.10354 of 2024 titled as **Parveen Saini Vs. District and Sessions Judge, Kaithal**, decided on 10.02.2025 as well as in CWP No. 4173 of 2025 titled as **Ravinder Singh versus The Punjab and Haryana High Court, Chandigarh and others**, decided on 04.03.2025, hence, the present petition may kindly be disposed of in the same terms and conditions as held in **Ram Mehar Singh's case (supra) and Parveen Saini's Case (supra)**.

5. Notice of motion.

6. Mr. Saurabh Girdhar, AAG, Haryana and Ms. Divya Sharma, Advocate accepts notice on behalf of respondents-State and respondent No. 1 & 8, respectively.

7. Learned counsel for the respondents No. 1 & 8 submits that in the present case, no prior permission was taken by the petitioners while filing the application for the post of Clerk, which was advertised by Government of Haryana, though, at the time of appearing in the preliminary written examination, No Objection was given to the petitioners but with the



condition that in case, the petitioners are selected on the post of Clerk, they have to resign and therefore, the act on the part of the competent authority to seek simple resignation, was within the terms and conditions which were imposed while giving 'NO Objection' certificate to the petitioners. Learned counsel for the petitioners submits that the said argument of the respondents has been considered by this Court while passing order in **Ram Mehar Singh's case (supra) and Parveen Saini's Case (supra).**

8. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

9. Once, the petitioners were given 'No Objection' certificate to appear in the written examination for the post of Clerk, as already held while passing order in **Ram Mehar Singh's case (supra) and Parveen Saini's Case (supra)** it will be deemed that the permission was granted to the petitioners by the department concerned to compete for the selection for the post of Clerk as advertised by Government of Haryana. The detailed reasons have already been given by this Court while passing orders in **Ram Mehar Singh's case (supra) and Parveen Saini's Case (supra)**, as to why the petitioners were entitled for the benefit of treating the resignation tendered by them as technical resignation instead of simple resignation.

Learned counsel for the respondents has not been able to rebut the said reasons which have been given by this Court in **Ram Mehar Singh's case (supra) and Parveen Saini's Case (supra)** and this Court is of the view that the claim of the petitioners is covered by the decision taken in **Ram Mehar Singh's case (supra) and Parveen Saini's Case (supra).**

10.. Keeping in view the above, **the present petition is allowed in**



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the same terms and conditions as held in *Ram Mehar Singh's case (supra)*
and Parveen Saini's Case (supra)

11. Pending civil miscellaneous application, if any, stands disposed
of.

(HARSIMRAN SINGH SETHI)
JUDGE

02.05.2025

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