



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

**CWP-14081-2024
Date of Decision:10.03.2025**

KOMAL

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sunil Kumar Nehra, Advocate with
Mr. Rahil Mahajan, Advocate,
Mr. Viren Nehra, Advocate,
Mr. Arjun Dosanj, Advocate and
Mr. Akash Gahlawat, Advocate,
for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Mr. Jagbir Singh, Advocate
for respondent No.3.

Mr. Kamal Kumar Mor, Advocate
for respondent No.5.

Mr. Saurabh Dalal, Advocate
for respondent No.6.

Mr. Ravi Sharma, Advocate with
Mr. Raywant Kaushish, Advocate
for respondent No.7/UGC.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to issue appointment letter to the petitioner as Staff Nurse as she has been duly selected on the post under SC category as per result dated 09.03.2024, pursuant to the advertisement DMER/Rectt./04 dated 14.10.2021.

2. While issuing notice of motion vide order dated 31.05.2024, the respondents were directed to keep one post of Staff Nurse under SC vacant, during the pendency of the present petition.

3. Learned counsel for respondent no.3/University contends that there is no dispute that the petitioner was duly selected for the post of Staff Nurse under SC category. However, before appointment letter could be issued to the petitioner, a complaint was received regarding pendency of a criminal complaint titled *Sandeep vs. Komal and others* under Section 200 of Cr.P.C. against her in the Court of Sub Divisional Judicial Magistrate, Kharokhoda. A Committee was constituted which submitted a report dated 16.05.2024, Annexure R-3/2, concluding, since the matter is *sub-judice*, it would not be appropriate to proceed further and status of the case may be obtained from the concerned Court. As the criminal case against the petitioner could not be decided finally, appointment letter was not issued to her.

4. The petitioner has placed on record a certified copy of the order dated 03.02.2025, Annexure P-13, which establishes that on a statement made by the complainant, the aforesaid criminal complaint, wherein the petitioner was arraigned as accused no.1, has been dismissed as withdrawn.

5. It is apparent that the only reason appointment as Staff Nurse could not be issued to the petitioner was pendency of the aforementioned criminal complaint against her in the Court of Sub Divisional Judicial Magistrate, which has now been dismissed vide order dated 03.02.2025.

6. In view thereof, the petition stands disposed of directing the respondents to appoint the petitioner as Staff Nurse, subject to her fulfilling the requisite conditions, and grant her notional service benefits from the date

other selected candidates pursuant to the advertisement in question have been appointed and actual benefits from the date of joining. These directions shall be carried out by the respondents within a period of three weeks of receiving a certified copy of the order.

10.03.2025
M.Sikka

(TRIBHUVAN DAHIYA)
JUDGE

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