

2025:PHHC:012607



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

108

**CWP-33721-2024 (O&M).
Date of Decision: 28.01.2025.**

AMIT KUMAR AND OTHERS

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

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

Present: Mr. Pardeep Sharma, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Ms. Manreet Kaur, Advocate, for
Mr. Sanjeev Kaushik, Advocate,
for respondent No.5.

VINOD S. BHARDWAJ, J. (ORAL)

CM-1264-CWP-2025

Application is allowed as prayed for subject to all just exceptions.

Applicant mentioned in para No.12 of the application is impleaded as petitioner No.6.

Amended Memo of Parties is taken on record.

The Registry is directed to tag the same at an appropriate place.

2025:PHHC:012607

CM-1265-CWP-2025

Application is allowed as prayed for subject to all just exceptions.

Annexures P-18 to P-23 are taken on record.

The Registry is directed to tag the same at an appropriate place.

Main case

The present writ petition has been filed for seeking issuance of directions to the respondents No.3 to 7 mentioned in the amended memo of parties (respondents No.3 to 6 in the original memo of parties) (though mentioned as respondents No.3 to 5 in the headnote as well as in the prayer clause of the petition) to allow the petitioners to join their concerned posts i.e. Gram Sachiv and Clerk, in their respective categories pursuant to being selected in the result declared by the respondents themselves.

2 Learned counsel appearing for the petitioners contends that the petitioners had applied for the Common Eligibility Test (CET) as per CET Notifications dated 10.09.2021, 05.05.2022 and 31.05.2022. Vide said notifications, the process had been initiated by the respondents for Group 'C' as well as Group 'D' posts. The petitioners had applied for availing benefit under the different categories pertaining to Ex-servicemen/dependent ex-servicemen in their substantive vertical category as well. The process for selection with respect to Group 'D' posts was completed prior in point of time by the respondents whereupon, the petitioners accepted the offer of

2025:PHHC:012607

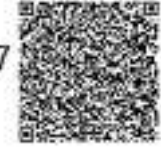


appointment and joined the place of their respective postings. It was thereafter, that the respondents under the process for selection to the posts of Group 'C' in which the petitioners were again shortlisted as selected candidates. Appointment letters were thereafter issued to the petitioners in their respective categories, however, when they went to join in their respective departments, they were not being permitted to do so on the pretext that the petitioners having already availed the benefit of the respective category by having joined in Group 'D' service, thus, such benefit cannot be extended to them once again. Counsel for the petitioners contends that as per the instructions issued by the Government of Haryana on 09.03.2022 and 13.04.2022, if a candidate had applied for different posts for joining any substantive post on the basis of his selection, he cannot be denied the benefit of being considered in the said category. Since a common process of selection had been initiated and they had already submitted their applications for being extended the benefit under the reservation category and having accepted the joining, they are entitled to be considered and to be permitted for being joined in the respective departments at their place of posting.

3 He contends that the action of the respective department vis-a-vis respondents No.3 to 7, is clearly in conflict with the instructions issued by the Government itself.

4 Learned State counsel, on instructions, submits that she would have no objection in case the competent authority i.e. the respondents No.3

2025:PHHC:012607



to 7 respectively are directed to look into the grievance of the petitioners by treating the present petition as a representation and to pass a reasoned and speaking order thereupon.

5 The aforesaid offer is not objected to by the counsel for the petitioners, however, he contends that the respondent-Department(s) should not cause prejudice to the rights of the petitioners by offering appointment to any other person other than the petitioners till a decision is taken by the competent authority.

6 I find the aforesaid prayer, at this juncture, a fair one.

7 In view of above, with the consent of the parties and without commenting upon the merits of the present case, the present petition is disposed of with a direction to respondents No.3 to 7 i.e. the competent authorities (for the petitioners respectively) to treat the instant writ petition as a representation and to pass a reasoned and a speaking order thereupon after granting an opportunity of hearing to the petitioners. It is further directed that till such time that the respondents No.3 to 7 take a decision on the claim of the petitioners, the substantive post against which appointment has been offered to the petitioners shall be kept vacant and no other person shall be appointed to the said post for the said period and for a further period of two weeks after the decision, if such a decision is taken against the petitioners. Let the aforesaid decision be taken in a time bound manner and preferably

2025:PHHC:012607



within a period of 03 months of the receipt of a certified copy of this order.

8 Disposed of accordingly.

January 28, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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