

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

RSA-88-2007 (O&M)

State of Haryana and Others

.....Appellants

Vs.

Satish Kumar

.....Respondent

**Reserved on : 26.11.2025
Pronounced on: 28.01.2026
Uploaded on: 28.01.2026**

Whether only the operative part of the judgment is pronounced? **NO**
Whether full judgment is pronounced? **YES**

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Harish Nain, AAG, Haryana

Mr. Animesh Sharma, Addl.A.G. Punjab
Amicus curiae for the respondent.

SUDEEPTI SHARMA J. (Oral)

1. The present appeal is preferred against judgment and decree dated 24.02.2006 passed by Civil Judge, Jr. Division, Ambala City, whereby, the civil suit filed by the respondent was decreed in his favour and judgment and decree dated 27.10.2006 whereby the appeal preferred by the appellant-State was dismissed.

2. Vide order dated 18.01.2007, the present regular second appeal was dismissed on the ground that there are concurrent findings of both the Courts and no law point is involved.

3. Brief facts of the case as per pleadings in the civil suit are that respondent appeared for SAS Part-II LAD Branch examination under Roll No.606. On 23.11.1996 respondent submitted his first representation to the department contending that the paper was out of syllabus and requested for grace marks. On 28.02.1997 the result was declared and respondent was

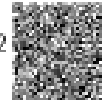


shown to have 're-appear' in the 'Indian Constitution' paper. On 14.03.1997 the result of another candidate from the same batch was declared as 'pass' by the appellants. On 15.03.1997, respondent submitted another representation to the department. On 14.10.1999, respondent submitted another representation. On 17.10.1997 in personal meeting, Minister Haryana informed that 08 grace marks have already been granted to the respondent and the file was sent to the department. Thereafter, since the respondent did not get any response, he served a legal notice on 08.02.2000 and a reminder of the same on 02.02.2001. He filed civil suit on 28.05.2001 before Civil Judge, Jr. Division, Ambala, who vide judgment and decree dated 24.02.2006, decreed the suit in favour of the respondent. On 05.05.2006, the Financial Commissioner & Secretary, Finance Department issued an order declaring the respondent 'Pass' in November 1996 examination. On 19.07.2006, appellant filed appeal against judgment and decree dated 24.02.2006 before Additional District Judge, Ambala who dismissed the same on ground of limitation as well as on merits vide its judgment and decree dated 27.10.2006. Appellants filed present appeal before this Court in 2007. On 18.01.2007 this Court dismissed the regular second appeal at the preliminary hearing stage. Appellant filed SLP and vide order dated 30.04.2007, Hon'ble Supreme Court remitted the matter to this Court.

4. This Court vide order dated 03.07.2007 passed the following order:-

"Heard. This RSA was dismissed by this Court on 18.1.2007. Thereafter, State of Haryana had filed an SLP in the Hon'ble Supreme Court and vide judgment dated 30.4.2007, Hon'ble Supreme Court has remitted the matter to this Court.

It comes out that the First Appellate Court of Additional District Judge, Ambala had dismissed the appeal filed by the



State on the ground that it was beyond prescribed period of limitation and had also dismissed the same on merits. Hon'ble Supreme Court had been of the view that when the First Appellate Court had refused to condone the delay, then it could not be said that appeal had been disposed of by that Court on merits and, therefore, this Court should hear the matter.”

5. This Court vide order dated 01.11.2007 passed the following order:-

“Heard. This RSA was dismissed by this Court on 18.1.2007. Thereafter, State of Haryana had filed an SLP in the Hon'ble Supreme Court and vide judgment dated 30.4.2007, Hon'ble Supreme Court has remitted the matter to the Court.

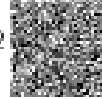
It appears that decree has since been complied with in view of an order dated 5.5.2006 of Financial Commissioner-cum-Secretary to Government of Haryana, Finance Department on behalf of State it is stated that appellant is still interested in contesting the appeal and the law point involved is whether Ministry incharge could grant 8 bonus marks whereas the competency was only to grace one mark and that power was not vested with the Ministry.

On behalf of the State it is stated that now appellant is claiming seniority also and has filed execution which is fixed for 8.11.2007.

It appears that trial Court record was returned after this appeal was dismissed on 18.1.2007.

Let trial Court record be called for 27.11.2007. Even if the trial Court record is not received then matter shall be heard and decided. In the meanwhile further execution shall remain stayed.”

6. In view of the above, the law point involved in the present regular second appeal is as to whether Minister-in-Charge could grant 08 grace marks whereas, the competency was only to grant 01 grace mark and



that power was not vested with the Ministry.

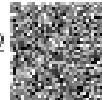
7. On 11.11.2025, respondent appeared in person and submitted that he is unable to assist this Court. In view of which, this Court appointed Mr. Animesh Sharma, Advocate (PH-1016/2008), representing the State of Punjab who was present in Court as Legal Aid counsel for the respondent to assist the Court in the matter.

8. Learned State counsel contends that both the Courts failed to appreciate that there is no provision for granting 08 grace marks, therefore, the Minister-in-Charge cannot grant grace marks beyond the Government policy. He further contends that even the civil suit filed by the respondent was barred by limitation since the cause of action arose to the respondent in the year 1996 and the civil suit was filed in the year 2001. He further contends that both the Courts have committed grave error while examining that questions are out of syllabus when there is expert report dated 08.09.1997 (Ex.D-3) to the effect that question paper is quite in order and no question is out of syllabus. He, therefore, prays that the present regular second appeal be allowed. And the question of law involved in the present appeal be answered in their favour.

9. Per contra, learned counsel for the respondent contends that vide order dated 05.05.2006 Financial Commissioner and Secretary, Finance Department declared respondent 'Pass' in the year 1996 examination. Therefore, as on date, the present appeal is rendered infructuous.

10. I have heard learned counsel for the petitioner and perused the whole file of this case with their able assistance.

11. A persual of the record shows that Financial Commissioner and Secretary to the Government, Haryana Finance Department vide order dated



05.05.2006 declared respondent as pass in the SAS, Part-II (LAD) examination held in November, 1996. This is the order passed by the appellants themselves and they still continued with the present litigation. In view of the same, the present regular second appeal is **dismissed** as rendered infructuous. The question of law involved in the present appeal being academic is left open.

12. Pending application(s), if any, also stand disposed of.

13. Before parting, this Court appreciates the assistance given by Mr. Animesh Sharma, Additional Advocate General, Punjab (amicus curiae for respondent in this case) which helped this Court in deciding the present regular second appeal pertaining to the year 2007.

28.01.2026

(SUDEEPTI SHARMA)

Saahil

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No