

**RA-CW-517-2024**

-1-

**133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****RA-CW-517-2024 in
CWP-23468-2021
Date of Decision: 20.01.2025**

JAI PARKASH

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Jasbir Mor, Advocate
for the petitioner.
Mr. K. K. Chahal, Addl. A.G., Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)**CM-586-CWP-2025**

The application has been filed by the petitioner for placing on record a copy of affidavit, dated 16.09.2021, filed by the Haryana Staff Selection Commission in CWP-6911-2021.

2. The application is allowed and the affidavit, dated 16.09.2021, is taken on record as Annexure A-9, subject to all just exceptions.

RA-CW-517-2024

3. The application has been filed seeking review/recall of the order dated 10.07.2024, whereby the petition was dismissed after perusing original record of the petitioner's selection which was produced before the Court pursuant to interim order dated 25.04.2024.

**RA-CW-517-2024****-2-**

4. Learned counsel for the applicant-petitioner has contended that the posts of Art and Craft Teachers were advertised by the respondent-Commission vide advertisement 6/2006. The petitioner was applicant for the same, but could not be selected. The selection, however, was set aside by this Court, directing to conduct it afresh. Pursuant thereto, the Commission issued public notice dated 28.12.2020, Annexure P-2 notifying fresh examination for 816 posts of Art and Crafts Teachers on 31.01.2021. The petitioner again participated in the Selection process as DESM/GEN category candidate, however, could not be selected for the reason the certificate claiming reservation submitted by him had been issued after the cut-off date, i.e., 21.08.2006. Learned counsel further contends though the Commission produced the record of petitioner's selection before this Court on 10.07.2024, it was the record of scrutiny carried out pursuant to the fresh selection on the basis of public notice dated 28.12.2020. The original certificate claiming the benefit of reservation under DESM/GEN category, dated 19.08.2006, was a part of the record of first selection, which was not produced before this Court. That record, in fact, was not in the Commission's possession which is apparent from the fact that in another case pertaining to the same selection, CWP-6911-2021 titled *Punam Devi alias Poonam and Others v. State of Haryana and Others*, Secretary of the Commission filed an affidavit dated 16.09.2021, Annexure A-9, that they were having just 773 application forms of the selected candidates which had been received from the Director, School Education after termination of services of earlier selected candidates in terms of judgment rendered by this Court in LPA-359-2015, dated 10.11.2020, ordering fresh selection. Since

**RA-CW-517-2024****-3-**

the Commission was not in possession of the record, it could not have been produced, nor could the fact have been established that the petitioner did not submit his certificate dated 19.08.2006, issued prior to the cut off date, along with his application form.

5. Considering the submissions, this Court finds no ground to review the order dated 10.07.2024. There was a specific direction to the Commission to produce entire record of the petitioner's selection, and pursuant thereto the record was produced which was perused in the presence of learned counsel who represented the petitioner when the matter was argued and decided. Now, with the change of counsel, questions cannot be permitted to be raised about the record produced, nor can it be a ground to review the order in question. Besides, the affidavit dated 16.09.2021 relied upon by learned counsel for applicant was not on record when the matter was decided. Still further, the affidavit cannot be a basis to contend that the Commission did not have the record or that the same was not produced before the Court.

6. In view thereof, there is no ground to entertain the review application and it stands dismissed.

20.01.2025

*Seema***(TRIBHUVAN DAHIYA)
JUDGE***Whether speaking/reasoned* *Yes/No**Whether reportable* *Yes/No*