117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4071-2025
Date of Decision : 14.02.2025

Chandan Parkash …Petitioner

Versus

State of Haryana and Others ….Respondent

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Kartikeya Chaudhary, Advocate,
Mr. Sandeep Dhull, Advocate, for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

**TRIBHUVAN DAHIYA, J. (ORAL)**

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 27.12.2024, Annexure P-10, whereby the Commission's recommendation to appoint the petitioner as Art and Craft Teacher under SC-B category has been withdrawn, as also the memo dated 04.02.2025, Annexure P-11, whereby the second respondent has directed the third respondent to cancel the petitioner's appointment on that basis. Further, it has also been prayed that order dated 06.02.2025, Annexure P-12, whereby the third respondent directed the fourth respondent to withdraw the petitioner's appointment, may be set aside.

2. Learned senior counsel contends that the petitioner applied for the post of Art and Craft Teacher pursuant to advertisement 6/2006 under SC-B category which is apparent from his application form, Annexure P-1. He participated in the selection process, but was not offered appointment as his

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candidature had been wrongly considered under SC-A category. The final selection result was declared by the Commission on 14.11.2021. It shows the last selected candidate under SC-B category secured 128 marks; whereas, as per the detailed marks notified, Annexure P-6, the petitioner, who had Roll No.2660002253, secured 126 marks in written examination and 10 in interview, i.e., a total of 136 marks. On coming to know about it, he made representations to the Commission dated 15.11.2021 and 26.11.2021, Annexures P-7 and P-8 respectively, seeking consideration under SC-B category as per merit. Realising the mistake in not considering the petitioner under the category, the respondents re-considered his candidature and issued a letter of appointment dated 04.08.2023, Annexure P-9, though it mentions his category as SC-A. Pursuant thereto, he joined service in the Department on 04.08.2023, and has been working there ever since.

3. Without affording any opportunity of hearing to the petitioner or issuing any show cause notice, the Commission vide letter dated 27.12.2024 withdrew his recommendation for the post on the ground that he had secured 123 marks under SC-B category, and did not come within the zone of selection due to lesser marks. On that basis, the second respondent issued the impugned memo, dated 04.02.2025, to the third respondent for taking action in the matter. Following the direction, the fourth respondent is going to terminate the petitioner's services. It is also contended that the order is *per se* illegal and in violation of the basic principles as his services could not have been terminated, nor could the recommendation have been withdrawn without affording an opportunity of hearing. Besides, the order is premised on wrong facts as it

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records that the petitioner has secured 123 marks as SC-B category candidate; whereas, as per the detailed result announced by the Commission, he has secured 136 marks which are more than those of the last selected candidate in the category.

4. Learned State counsel, appearing on advance notice, is not in a position to dispute that the impugned orders/memos have been issued by the respondents without affording any opportunity of hearing to the petitioner. Nor could he dispute the marks secured by the petitioner.

5. In view thereof, the impugned orders/memos dated 27.12.2024, 04.02.2025 and 06.02.2025, are unsustainable being in violation of the Principles of Natural Justice. Withdrawing the recommendation to appoint the petitioner takes away his right to continue in service, and could not have been passed without issuing him a show cause notice and considering his response thereto dispassionately. The impugned orders/memos are accordingly set aside with liberty to the respondents to pass fresh orders, if need be, after affording due opportunity of hearing to the petitioner.

6. The petition is, accordingly, allowed.

**(TRIBHUVAN DAHIYA)**
**JUDGE**

**February 14, 2025**
*ps*

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

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