



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

295

CWP-4253-2023

Date of Decision: 05.03.2025

Manish Kumar

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

AND

CWP-4663-2023 (O & M)

Rajiv Kumar

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ankit Aggarwal, Advocate,
for the petitioner(s).

Mr. Raman Sharma, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, two civil writ petitions i.e. CWP Nos. 4253 and 4663 of 2023 are hereby adjudicated as issues involved and prayer sought in both the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from **CWP-4253-2023**.
2. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of order dated 15.02.2023.
3. On 02.03.2023, the following order was passed:-

“The petitioner herein is challenging the order dated



15.02.2023 (Annexure P-2) whereby he has been sent back to District Yamuna Nagar without being allowed to undertake the online examination for Head Constable. It is submitted that there is no misconduct on his part and in fact, he had taken lift in the vehicle, which did not belong to him.

Notice of motion 03.05.2023.

In the meantime, the petitioner is permitted to provisionally undergo the Intermediate School Course, which is fixed for tomorrow i.e. 03.03.2023, however, his result will be kept in a sealed cover and not to be opened without further orders from this Court. No right would accrue to the petitioner merely on account of having been permitted to undertake the said examination, which would be subject to the final disposal of the instant writ petition.”

4. Pursuant to aforesaid order, the petitioner was permitted to participate in the Intermediate School Course (ISC).

5. On the asking of Court, Mr. Raman Sharma, Addl. A.G., Haryana produced result of both the petitioners. He also confirmed, on instructions from Naresh Kumar, Inspector, H.P. Madhuban, that petitioners have qualified ISC and they are eligible for promotion to the rank of ASI. Original record, after perusal, has been returned.

6. Considering the alleged misconduct of the petitioners, the petitions stand disposed of with a direction to respondent to promote the petitioners to the rank of ASI as per their seniority and eligibility. The respondent, if finds necessary, may proceed against petitioners for alleged misconduct.

7. Pending applications, if any, also stand disposed of.

05.03.2025

shivani

Whether reasoned/speaking

Whether reportable

(JAGMOHAN BANSAL)

JUDGE

Yes

No