

2025:PHHC:035512



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

250-2

CWP-6438-2023
Date of Decision: 11.03.2025

ROHTASH

... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

... Respondents

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

Present: Mr. Suresh Kumar Kaushik, Advocate
for the petitioner.

Mr. Rahul Dev, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Challenging the result dated 20.05.2022 (Annexure P-5) by which respondent No.2 has selected those candidates who have either less or equal marks than the petitioner for the post of Chageman Mechanical under S.C. Category pursuant to Advertisement No.14 of 2019 dated 26.08.2019 (Annexure P-1). A further prayer has also been made to quash the impugned speaking order dated 27.02.2023 (Annexure P-11), whereby respondent No.2 has rejected the candidature of the petitioner on the ground that experience certificate furnished by the petitioner was not as per the advertisement.

Learned counsel for the petitioner contends that the petitioner had applied for the post of Chageman under the reserved category pursuant to the Advertisement No.14 of 2019. The petitioner appeared in the process of selection and as per the result of written examination published on

26.09.2021, the petitioner was called for scrutiny of documents on 11.10.2021. However, after the final scrutiny of the documents, the name of the petitioner was not reflected in the final result for the said post published by the respondent-Commission on its website vide notice dated 20.05.2022 notwithstanding that no deficiency or defect was pointed out by the respondent-Authority during the scrutiny of documents. Thereafter, the petitioner approached the respondent-Commission to know about his result, whereupon he became aware of the fact that he has been found ineligible, notwithstanding that his marks were more than the last selected candidate under his category. The petitioner sought information about the marks obtained by him under the Right to Information Act, 2005 to substantiate the aforesaid claim. As no action was taken by the respondents-Authorities on the representation submitted by the petitioner, a CWP-14959 of 2022 titled as 'Rohtash Versus State of Haryana and Another', was filed before this Court, which was disposed of vide order dated 15.07.2022 directing respondent No.2 to look into the representation submitted by the petitioner. Pursuant thereto, the order dated 27.02.2023 was passed by the respondents pointing out that the experience certificate furnished by the petitioner was not in accordance with the Advertisement in question. Hence, the petitioner was held to be ineligible for the said post. The petitioner thus approached this Court vide instant writ petition.

Learned counsel for the petitioner informs that during the pendency of the instant writ petition, the respondents called the petitioner and reverified the experience certificate furnished by him; and finding the same in order, they recommended the case of the petitioner for appointment

to the respondent-State on 29.07.2024 and consequent thereto the petitioner has already joined on 30.07.2024. He contends that at this juncture, the only surviving grievance is with respect to the consequential benefits, since the merit of the petitioner has to be determined as per the merit in the final result which was declared on 20.05.2022, wherein the name of the petitioner did not figure due to the mistake on the part of the respondents themselves while holding the petitioner ineligible.

Learned State Counsel is not in a position to dispute that the petitioner was originally higher in order of merit but was not shown in the select list on account of being found ineligible due to the experience certificate not being in accordance with the Advertisement.

Since the respondents have themselves held the petitioner to be eligible and have offered the appointment, the same invariably leads to a conclusion that the initial decision taken by the respondents holding the petitioner ineligible was clearly flawed. The position being so, it has to invariably flow that the petitioner deserved to be recommended on the date when the final result was declared i.e. 20.5.2022. Accordingly, the respondent-Commission is directed to fix the merit of the petitioner as per the recommendations made by it in the original result so declared. The petitioner shall, however, be entitled only to the notional benefits of the period from the date of joining of the other candidates who were recommended as per the original select list till the actual date of joining of the petitioner, but the seniority shall be determined in accordance with re-drawn recommendation list by the respondent-Commission for the said post after noticing the merit of the petitioner in his respective category.

The petition stands disposed of in above terms.

Let the needful be done by the respondents within a period of three months of the receipt of certified copy of this order.

**(VINOD S. BHARDWAJ)
JUDGE**

MARCH 11, 2025.

Rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No