

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

**LPA No.58 of 2025 (O&M)
Date of Decision: 15.01.2025**

Haryana Staff Selection Commission

.....Appellant.

Versus

Ankit Nagar and others

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Sanjeev Kaushik, Addl. A.G. Haryana
for the appellant.

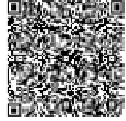
SANJEEV PRAKASH SHARMA, J.(Oral)

CM No.130-LPA of 2025

For the reasons mentioned in the present application, the same is allowed and the delay of 72 days in filing the appeal is condoned.

LPA No.58 of 2025

1. The writ petitioner claims parity on the basis of a similar judgment relating to the same kind of facts in *CWP No.20593 of 2018* titled as *Sandeep Kumar Versus State of Haryana and others*, decided on 10.01.2019, where a candidate from BC-A category had applied for the Sports Category but as he did not have the Gradation Certification required for the Sports category, he was denied consideration for BC-A category. Resultantly, the Court passed an order in his (Sandeep Kumar) favour



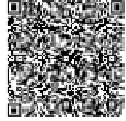
directing him to be considered for appointment under BC-A category too.

2. In the present case, the respondent-writ petitioner was from SC-OSP category seeking appointment on the post of Multi Purpose Health Worker. He had applied under the Sports category also but since he did not have the Gradation Certificate attached at the time of submission of application, he was not considered under the Sports category. However, it is an admitted position that he belongs to SC-OSP category and the Certificate of SC-OSP category was also available on record. In that view, the order passed by this Court in *Sandeep Kumar's case (supra)* would have direct application to the facts of the case of the writ petitioner and the learned Single Judge cannot be said to have committed any error in following the earlier order.

3. We notice that the appellants have not challenged the judgment passed in *Sandeep Kumar's case (supra)* and the concerned Sandeep Kumar was granted the said relief too. Similarly placed persons cannot be treated differently. The writ petitioner would, therefore, be also entitled to the same relief. The present appeal filed by respondent No.1 would thus not be entertained. Accordingly, the same is dismissed.

4. All pending applications also stand disposed of.

5. It is also to be noticed that in *Dolly Chhanda Versus Chairman, JEE and others, 2005(9) SCC 779*, the three Judges Bench of the Hon'ble Supreme Court had opined that claim of a candidate cannot be denied and the same has to be considered at that time for the purpose of selection. Accordingly, we direct that the order passed by the learned



Single Judge shall be implemented at the earliest within a period of three weeks, failing which the contempt proceedings shall be initiated without further notice.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

January 15, 2025
Yag Dutt

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No