



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

**LPA-2306-2025 (O&M)
Date of Decision: 11.08.2025**

STATE OF HARYANA AND OTHERS ... APPELLANTS

VS.

SURENDER .. RESPONDENT

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Sanjeev Kaushik, Addl. A.G. Haryana.

Mr. Rajat Mor, Advocate,
for the respondent.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. This appeal arises out of the judgment dated 18.07.2025 passed by learned Single Judge in CWP-13263-2025, whereby the writ petition filed by the respondent has been allowed and costs of Rs.50,000/- is imposed upon the respondent(s)-State.
2. Learned State counsel submits that the conclusion drawn by the learned Single judge is not correct.
3. We have examined the contention of learned State counsel which does not appear to be well founded.
4. The respondent had applied for appointment to the post of Constable and, despite qualifying through various stages of scrutiny, has not been appointed only on account of his implication in the criminal proceedings.
5. Learned Single Judge has noticed that the filing of the writ by the respondent was the third round of litigation. On previous occasions, directions were issued to consider the claim of appointment. Direction issued earlier to accord consideration to the claim of the respondent in terms of law laid down

in the case of *Ravindra Kumar Vs. State of U.P. (2024) 5 SCC 264*, has attained finality.

6. The appellant-State, however, has relied upon the opinion of the District Attorney, who opined that the facts of the present case are different from the facts involved in Ravindra Kumar's case (supra). Learned Single Judge has noticed that in criminal proceedings, an order of acquittal has been passed and merely because a revision is filed, which is pending, it would not be sufficient to ignore the claim of the respondent. Learned Single Judge has gone into the facts of the case and has allowed the petition.

7. Having examined the matter at length, we find no perversity and illegality in the directions issued by the learned Single Judge.

8. Lastly, the learned State counsel submits that imposition of cost in the facts and circumstances was not warranted and be waived.

9. As far as imposition of cost is concerned, we are persuaded to interfere in the matter inasmuch as the direction issued by the learned Single Judge on other aspects though are justified but we are of the view that imposition of cost in the facts and circumstances was not necessary. Only to that extent, the appeal is entertained. Accordingly, costs imposed by the learned Single judge upon the appellant is waived of.

10. The appeal is disposed of in the aforesaid terms.

11. Pending application(s), if any, also stand(s) disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

11.08.2025
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No