

(2025) 12 P&H CK 0035

Punjab And Haryana HC

Case No: Civil Writ Petition No. 5746 Of 2023

Suresh Kumar

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision: Dec. 9, 2025

Acts Referred:

- Constitution Of India, 1950-Article 226, 227

Hon'ble Judges: Jagmohan Bansal, J

Bench: Single Bench

Advocate: Aditya Yadav, Viransh Ghawari, Atul Bhardwaj, Suneel Ranga

Final Decision: Allowed

Judgement

Jagmohan Bansal, J

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 28.01.2025 and 04.01.2016 whereby his claim for absorption in Executive Clerical Cadre (English Branch) has been rejected on the ground of non-passing of typing test.

2. The petitioner was enrolled as Constable in Haryana Police Force on 19.11.2003. He claims that he is possessing degree of graduation besides one year Certificate of Typewriting and Stenography. He was brought to Executive Clerical Cadre (English Branch) in 2005 and working there since then. The respondents by impugned orders have rejected his claim for absorption on the ground that he has not passed type test.

3. Learned counsel representing the petitioner submits that petitioner cannot be denied benefit of absorption on the ground of non-passing of type test. A Division Bench of this Court vide order dated 16.08.2000 passed in CWP No.1734 of 1998 titled as 'Const. Raj Paul Singh and Another Versus State of Haryana and Others' has held that type test was not part of Rules, thus, petitioner could not be reverted to his parent cadre. Relying upon aforesaid judgment of this Court, many other identical petitions have been disposed of.

4. PER CONTRA, learned State counsel submits that it was conscious decision of Authorities that type test would be mandatory for absorption in Executive Clerical Cadre. Officials were brought from General Cadre to Executive Clerical Cadre to perform various duties. The Authorities have decided that only those candidates should be absorbed who had passed type test.

5. On being confronted with orders dated 27.02.2025 and 22.09.2025 passed by this Court in CWP No.2974 of 1998 titled as 'Sukhdev Singh and Others Versus State of Haryana and Others' and CWP No.9427 of 2002 titled as 'H.C. Dharam Vir Versus State of Haryana and Others' respectively, he expressed his inability to distinguish instant case from aforesaid orders. He further submits that as per his instructions, it is disputed whether petitioner is working in Executive Clerical Cadre (English Branch).

6. As per petitioner, he at present is working in Executive Clerical Cadre (English Branch) and respondent has failed to show any evidence disclosing that he is not working. In any case, petitioner is not a ghost and respondent can identify, at any point of time, his place of posting. The petitioner seems to be working in Executive Clerical Cadre (English Branch) since 2005. Case of petitioner is covered by judgment of Division Bench of this Court in Const. Raj Paul Singh (supra) as well as orders of this Court in Sukhdev Singh (supra) and H.C. Dharam Vir (supra). Claim of petitioner further needs to be accepted in view of the fact that he is working in Executive Clerical Cadre (English Branch) since 2005 besides the fact that his claim is covered by aforesaid judgments.

7. In the wake of above discussion and findings, this Court is of the considered opinion that instant petition deserves to be **allowed** and accordingly allowed. The impugned orders dated 28.01.2025 and 04.01.2016 are hereby set aside.