

## Krishan Kumar, Advocate, Civil Court Vs The State of Haryana and Others

**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** Oct. 29, 1991

**Acts Referred:** Constitution of India, 1950 " Article 14, 16, 226

**Citation:** (1992) 101 PLR 26

**Hon'ble Judges:** H.S. Bedi, J; Amrit Lal Bahri, J

**Bench:** Division Bench

**Advocate:** Ram Kumar Malik, for the Appellant; Jai Veer Yadav, D.A.G., for the Respondent

**Final Decision:** Allowed

### Judgement

A.L. Bahri, J.

Vide this order two writ petitions number 12448 and 14192 of 1991 are being disposed of Written statement in the first

writ petition has been filed whereas in the other case notice of motion was issued but the written statement has not so far been filed. The facts are

taken from the first writ petition of Krishan Kumar.

2. For filling up posts of Assistant District Attorneys in the State of Haryana, applications were invited, which were processed and ultimately

Haryana Public Service Commission selected candidates for appointment. The list prepared by the commission was submitted to the State

Government. Further process started for character verification and medical examination of the candidates and it was thereafter that appointment

letters were issued to the candidates Krishan Kumar petitioner was placed at serial number 47 of the selection list. He belongs to Backward

class. In the other case, petitioner Suresh Kumar was placed at serial number 41 of the selection list, who also belongs to Backward class.

Appointment letters to these two petitioners could not be issued as-sometime was taken by the authorities in getting verification of their character

and medical examination conducted. In the meantime, as per reply of the State, the validity of the selection list elapsed and on that account

appointment letters to these two petitioners were not issued though such letters were issued to the candidates appearing at serial numbers 48 and

49. It is stated that the candidate at serial number 48 also belongs to Backward Class. Further stand of the State is that the matter is still under

consideration of the Government with respect to the extension of validity of the selection list.

3. Though by mere selection by the Public Service commission, no candidate could claim as a matter of right to the appointment to the post, but if

candidate lower in the selection list is appointed the candidate higher in the selection list would be entitled to seek appointment from the date

candidate lower in rank was; appointed. Other-wise that would amount to denial to such persons equality before law and it would be ease of

discrimination. Articles 14 and 16 of the Constitution have been violated in not appointing the petitioners to the posts of Assistant District

Attorneys. No useful purpose would be served by delaying the disposal of these writ petitions on the ground that the matter is still under

consideration of the State Government for extending the validity of the selection list prepared by the Commission. It would be merely a formality in

the case of petitioners to accommodate them after extending the validity of the selection list.

4. In the circumstances stated above, both these writ petitions are allowed with the direction to the respondents to appoint the petitioners to the

post of Assistant District Attorney with effect from the date persons lower in the selection list were appointed. Such appointment letters be issued

as early as possible, maximum within a period of one month. There will be no order as to costs.