

# Pt. B. D. Sharma University of Health Sciences, Rohtak

## SPEAKING ORDER

In compliance of Hon'ble High Court orders dated 25.09.2020 in the CWP No. 15366 of 2020 titled Parvinder Singh V/s State of Haryana and Others

Whereas, a Writ Petition (CWP No. 15366 of 2020) has been filed by Mr. Parvinder Kumar S/o Sh. Ram Niwas to consider him as waitlisted candidate and to issue him appointment letter for the post of Clerk under BCA ESM Category against Advt. No. 07/2018.

Whereas, the above stated writ was disposed-off on 25.09.2020 by the Hon'ble Punjab & Haryana High Court at notice stage by passing the following orders :-

***"...Upon hearing counsel for the two sides and perusing the records, the present petition is disposed-off with the directions to the respondents to consider and decide the representation dated 26.12.2019 (Annexure P-8) of the petitioner fully in accordance with law by passing a speaking order expeditiously, preferably within a period of two months from the date of receipt of certified copy of this order."***

Whereas, the claim of the petitioner in his representation dated 26.12.2019 was that as per merit list the petitioner and Mr. Ishwar Singh were awarded 48 marks. Since, both were obtained equal marks and Sh. Ishwar Singh was older than him, the opportunity was given to Mr. Ishwar Singh to join against the vacant post of Clerk as only two candidates had joined. Sh. Ishwar Singh has shown his unwillingness to join the said post. Therefore, the petitioner had requested to offer the post of Clerk to him as he was the next eligible candidate. Further, he has given the reference of Govt. Instructions issued vide letter No. 42/06/2019-2GS-1 dated 25.06.2019 and stated that as per instructions the vacant post should be filled within the waiting list and not from fresh recruitment.

Whereas the brief background to the lis is that Mr. Parvinder Singh S/o Sh. Ram Niwas had applied for the post of Clerk against Advt. No. 07/2018 under BCA-ESM category and obtained 46 marks out of 90 marks in written/screening test held on 27.01.2019. He appeared for verification of documents held on 20.02.2019 and awarded two marks on account of experience. Accordingly, he scored 48 marks out of 100 marks. Out of 116 posts of Clerk, 03 posts were advertised under BCA ESM Category and the same were filled up and appointment letters were issued to the selected candidates. As per record, the waiting list was prepared as 25% of advertised posts so the Establishment Committee had recommended only one candidate (Mr. Ishwar Singh) as Waitlist-1 candidate under BCA-ESM Category. Mr. Ishwar Singh and Mr. Parvinder Singh both have obtained 48 marks out of 100 (i.e. 90 marks for written/screening test and 10 marks for Socio Economic & Experience Criteria) and only one candidate Mr. Ishwar Singh was placed as waitlisted candidate as he was older than Mr. Parvinder Kumar as per instructions followed for preparation of Merit list.

Further, out of three selected candidates, one Mr. Naresh Kumar has not joined his duty within the stipulated period, therefore, his offer of appointment was withdrawn vide office letter Endst. No. UHSR/Rect./UA-IV/2019/7726-31 dated 19.07.2019. The said vacant post was offered to Mr. Ishwar Singh vide office notification dated 25.07.2019, who was placed on the waiting list as Waitlist-1 by the Establishment Committee. But Mr. Ishwar Singh had not joined the post due to domestic problems. In the merit list only one candidate was placed as waitlisted candidate by the Establishment Committee, therefore, the post was not offered to the next candidate.

Mr. Parvinder Singh vide his email dated 20.11.2019 had requested to issue the office order to him to join on the vacant post of Clerk. In response, it had been informed to the candidate by email dated 28.11.2019 that his request has been considered by the University and the same has not been acceded to as his name is not appearing in the waiting list as per merit list for the post of Clerk under BCA ESM category. Thereafter, Mr. Parvinder Kumar submitted a representation on 26.12.2019 and requested to intimate the reason for not selecting him and the status of vacant post for which Sh. Ishwar Singh was offered joining letter and submitted unwillingness. The office vide letter No. UHSR/Rectt./UA-IV/2020/218 dated 15.01.2020 had reiterated its reply as already intimated to the applicant by email on dated 28.11.2019.

Whereas in the merit list for the post of Clerk (Annexure-A), the Establishment Committee had placed only one candidate as waitlisted under BCA ESM category and Mr. Parvinder Singh S/o Sh. Ram Niwas was not placed on the waiting list in the merit list, the request of Mr. Parvinder Singh for issue him appointment letter for the post of Clerk has not been considered being devoid of merit.

  
REGISTRAR

Endst. No. UHSR/Rectt./UA-IV/2020/ 6377 - 81

Dated: 05/11/2020

Copy of above is forwarded to the following for information and necessary action:

1. The Director General, Medical Education and Research, Haryana, SCO NO. 7, Sector-16, Panchkula.
2. The Director General, Health Services, Haryana, Sector-6, Panchkula.
3. Prof. In-Charge IT Department, UHS Rohtak. He is requested to upload the orders on University Website.
4. ADA, Legal Cell, UHS Rohtak.
5. Mr. Parvinder Singh S/o Sh. Ram Niwas, Village Dulheri, Distt. Bhiwani (Haryana)

  
Deputy Registrar (R&E)  
for Registrar