
(2014) 06 SHI CK 0151
In the High Court Of Himachal Pradesh
Case No : CWP No. 2629/2014

Sanjeeb Kumar

APPELLANT

Vs

Himachal Pradesh State Electricity Board Ltd.

RESPONDENT

Date of Decision : 23-06-2014

Acts Referred:

Citation : (2014) 06 SHI CK 0151

Hon'ble Judges : Sureshwar Thakur, J;Rajiv Sharma, J

Bench : Division Bench

Advocate : Ramakant Sharma, Advocate for the Appellant; Sharmila Patial, Advocate for the Respondent

Final Decision : Allowed

Judgement

Rajiv Sharma, J.—Petitioner belongs to OBC/BPL. He is 40% physically challenged. Petitioner was called for interview on 27.10.2012 vide letter dated 4.4.2012. However, vide letter dated 18.10.2012 corrigendum was issued whereby the date of interview was changed from 27.10.2012 to 27.4.2012. On 16.11.2013, the petitioner made representation before the respondents against the arbitrary change of date from 27.10.2012 to 27.4.2012.

2. The petitioner was also constrained to issue legal notice dated 16.12.2013 through his counsel to the respondents.

3. According to the averments contained in the reply filed by the respondents, date of interview was inadvertently written as 27.10.2012 in the call letter Annexure P-7 and when the mistake came to their notice, they changed date of the interview from 27.10.2012 to 27.4.2012 vide Annexure P-8, dated 18.10.2012.

4. The petitioner was legitimately expecting that he would be called for interview on 27.10.2012 as per Annexure P-7. However, fact of the matter is that the respondent-Department had already conducted the interview on 27.4.2012 and the petitioner was not interviewed. The respondent-Department has selected two

candidates and two candidates have been put in waiting list. The petitioner has been deprived of his right to be considered for the post of Peon against the physically challenged category due to arbitrary action of the respondents. The respondents in their reply have taken an unreasonable stand that it would have not made any difference to overall performance, even if the petitioner has been called for interview. This plea cannot be accepted. Two wrongs cannot make one right. In normal circumstances, the petitioner ought to have arrayed selected candidates, but the petitioner did not know that two candidates have already been selected in the month of April, 2012. He was called for interview on 27.10.2012 and the interviews were already over in the month of April 2012. The respondents cannot take advantage of their own wrongs.

5. In view of analysis and discussion made hereinabove, the writ petition is allowed with costs quantified at Rs. 10,000/- and the selection pursuant to the interviews for the post of Peon held on 27.4.2012 is quashed and set aside. The respondents are directed to re-do the entire selection process by interviewing the petitioner and other similarly situate persons within eight weeks. Pending application(s), if any, also stands disposed of. No order as to costs.