



LPA-313-2024 (O&M)

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

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**Reserved on :-17.09.2024
Date of Decision : 14.10.2024**

1. LPA-313-2024

Rikul Chatwal Appellant

VERSUS

State of Punjab and Others Respondents

2. LPA- 461-2024

Baljeet Kaur Appellant

VERSUS

State of Punjab and Others Respondents

3. LPA- 464-2024

Yuvraj Singh Appellant

VERSUS

State of Punjab and Others Respondents

4. LPA- 757-2024

Bagicha Singh Appellant

VERSUS

State of Punjab and Others Respondents



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5. LPA- 751-2024

Gurpreet Singh

....Appellant

VERSUS

State of Punjab and Others

....Respondents

6. LPA- 752-2024

Kartik Singla

....Appellant

VERSUS

State of Punjab and Others

....Respondents

7. LPA- 776-2024

Pavan Kamboj

....Appellant

VERSUS

State of Punjab and Others

....Respondents

8. LPA- 803-2024

Sahil Kumar

....Appellant

VERSUS

State of Punjab and Others

....Respondents

9. LPA- 841-2024

Satpal Singh

....Appellant

VERSUS

State of Punjab and Others

....Respondents

10. LPA- 871-2024

Anjani Verma

....Appellant

VERSUS

State of Punjab and Others

....Respondents



LPA-313-2024 (O&M)

11. LPA- 349-2024

Rahul Dika

....Appellant

VERSUS

State of Punjab and Others

....Respondents

12. LPA- 352-2024

Tarsem

....Appellant

VERSUS

State of Punjab and Others

....Respondents

13. LPA- 421-2024

Bakhshish Singh

....Appellant

VERSUS

State of Punjab and Others

....Respondents

14. LPA- 451-2024

Prabhjot Singh

....Appellant

VERSUS

State of Punjab and Others

....Respondents

15. LPA- 971-2024

Jagwinder Singh

....Appellant

VERSUS

State of Punjab and Others

....Respondents

16. LPA-1008-2024

Akshay Bharial

....Appellant

VERSUS

State of Punjab and Others

....Respondents

**LPA-313-2024 (O&M)****-4-****CORAM : HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Rakesh Sobti, Advocate for the appellant
(in LPA-313-2024)

Mr. Nitin Verma, Advocate,
Mr. Kinshu Mittal, Advocate,
Ms. Sidhi Bansal, Advocate,
for the appellants in (LPA Nos.461, 464, 757, 751,
752, 776, 803, 841, 349, 352 & 451 of 2024)

Mr. Nitish K. Vasudeva, Advocate
for the appellant in LPA-421-2024.

Mr. Maninder Singh, Sr. DAG, Punjab.

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SUDEEPTI SHARMA, J.

The challenge in the present appeals is to the judgment dated 22.01.2024 passed by the learned Single Judge in CWP-12331-2023 titled as “Sukhdev Singh Vs. State of Punjab and Others” and connected petitions, whereby the challenge to the provisional list dated 25.05.2023 of the candidates selected for the post of Sub Inspectors in Technical and Support Services Cadre 2021, was dismissed.

2. Since the similar issue is involved in all the above-numbered appeals, therefore, vide this common judgement, we shall dispose of all the Latter Patent Appeals mentioned above.

3. The brief facts of the cases are as under:-

i). The department had issued an advertisement No. 7 of 2021 dated 09.09.2021 (recruitment of Sub-Inspectors) and advertisement No. 6 of 2021 dated 09.09.2021 (recruitment of Constables) in accordance with the provisions of Standing order No. 07 of 2021 (recruitment of

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Sub-Inspectors) and Standing order No. 06 of 2021 (recruitment of Constables), respectively, to fill up temporary vacancies of 267 Sub-Inspectors and 2340 Constables of both male and female in the Technical and Support Services (TSS) cadre of Punjab Police by way of direct recruitment in different domains further in specialization/ functions. However, corrigendum No. 1 dated 26.09.2021 regarding eligibility of sportspersons, corrigendum No. 2 dated 02.10.2022 for objection fees and corrigendum No. 3 dated 05.01.2023 for distribution of tentative vacancies was issued in the above said advertisement dated 09.09.2021.

ii) In the para No.1 of the said advertisement(s) dated 09.09.2021, it is clearly mentioned that the process of recruitment shall be carried out in accordance with the provisions of Standing Order No. 07 of 2021 and Standing Order No. 06 of 2021, which is available on the Punjab Police official website. As per para No. 9 of the above said advertisement dated 09.09.2021 the selection process in the recruitment was conducted in 2 phases, viz., Phase-I (Test 1 and Test 2) and Phase-II (Physical Measurement Test, the Physical Screening Test and Document Scrutiny).

iii) The roster of reserved posts for various categories i.e. 100 point 2 reservation roster is published by the Government of Punjab and the same is also a part of Standing order No. 07 of 2021 (recruitment of Sub-Inspectors) and Standing order No. 06 of 2021 (recruitment of Constables).



iv) The duly vetted revised reservation category wise breakup of posts for recruitment of Sub-Inspectors & Constables in TSS cadre-2021 was published on Punjab Police website and leading newspapers in Corrigendum No. 3 dated 05.01.2023.

v) In the recruitment of Sub-Inspectors (Advertisement No. 7 of 2021), two unfilled reserved vacancies (one in Ex-Servicemen SC(M&B) and one in Sportsperson) from earlier recruitment were carried forward and included in the present recruitment of Sub-Inspectors. Additionally, in the recruitment of Constables (Advertisement No. 6 of 2021), fifty-nine unfilled reserved vacancies (twenty-four in Ex-Servicemen, seven in Ex-Servicemen SC(M&B), six in Ex-Servicemen SC(R&O), six in Ex-Servicemen BC, eleven in Sportsperson, three in Sportsperson SC(M&B) and two in Sportsperson SC(R&O)) from earlier recruitment(s) were carried forward and included in the present recruitment of Constables.

vi) The provisional selection list (Sub-Inspectors) of successful candidates was prepared and published on 25.05.2023. The provisional selection list (Constables) of successful candidates was prepared and published on 06.12.2023.

4. Provisional list dated 25.05.2023 of candidates selected for the post of Sub-Inspectors in Technical and Support Services Cadre, 2021 was challenged by filing a writ petition before the learned Single Judge, who vide judgment dated 20.01.2024, dismissed the same. The relevant portion of the judgment passed by the learned Single Judge is reproduced as under:-



“7 *I have heard the arguments of learned counsels for the parties and perused the record with their able assistance.*

8. *It is axiomatic in service jurisprudence that Courts must tread warily while adverting with challenge to selection process. The selection process involves multiple stages and there is normally involvement of experts. It must be left to selection committee to select best of candidates as per their need. The Courts should not substitute opinion of selection committee. The Court can interfere if there is mala fide on the part of selection committee or there is violation of statutory provisions or fundamental rights.*

9. *A two Judge Bench of Apex Court in **Tajvir Singh Sodhi and Others v. State of Jammu and Kashmir and Others 2023 SCC OnLine SC 344** has held:*

“65. *Before proceeding further, it is necessary to preface our judgment with the view that Courts in India generally avoid interfering in the selection process of public employment, recognising the importance of maintaining the autonomy and integrity of the selection process. The Courts recognise that the process of selection involves a high degree of expertise and discretion and that it is not appropriate for Courts to substitute their judgment for that of a selection committee. It would be indeed, treading on thin ice for us if we were to venture into reviewing the decision of experts who form a part of a selection board. The law on the scope and extent of judicial review of a*



selection process and results thereof, may be understood on consideration of the following case law:

i) *In Dalpat Abasaheb Solunke v. Dr. B.S. Mahajan, (1990) 1 SCC 305 : AIR 1990 SC 434, this Court clarified the scope of judicial review of a selection process, in the following words:*

“9...It is needless to emphasise that it is not the function of the court to hear appeals over the decisions of the selection committees and to scrutinise the relative merits of the candidates. Whether the candidate is fit for a particular post or not has to be decided by the duly constituted selection committee which has the expertise on the subject. The court has no such expertise. The decision of the selection committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the committee or its procedure vitiating the selection, or proved malafides affecting the selection etc.....”

ii) *In a similar vein, in Secy. (Health) Deptt. Of Health & F.W. v. Dr. Anita Puri, (1996) 6 SCC 282, this Court observed as under as regards the sanctity of a selection process and the grounds on which the results thereof may be interfered with:*

“9. ... It is too well settled that when a selection is made by an expert body like the Public Service Commission which is also advised by experts having technical experience and high academic qualification in the field for which the selection is to be made, the courts should be slow to interfere with the opinion



expressed by experts unless allegations of mala fide are made and established. It would be prudent and safe for the courts to leave the decisions on such matters to the experts who are more familiar with the problems they face than the courts. If the expert body considers suitability of a candidate for a specified post after giving due consideration to all the relevant factors, then the court should not ordinarily interfere with such selection and evaluation.....”

iii) This position was reiterated by this Court in M.V. Thimmaiah v. Union Public Service Commission, (2008) 2 SCC 119, in the following words:

“21. Now, comes the question with regard to the selection of the candidates. Normally, the recommendations of the Selection Committee cannot be challenged except on the ground of mala fides or serious violation of the statutory rules. The courts cannot sit as an Appellate Authority to examine the recommendations of the Selection Committee like the court of appeal. This discretion has been given to the Selection Committee only and courts rarely sit as a court of appeal to examine the selection of the candidates nor is the business of the court to examine each candidate and record its opinion...

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30. We fail to understand how the Tribunal can sit as an Appellate Authority to call for the personal records and constitute Selection Committee to undertake this exercise. This



power is not given to the Tribunal and it should be clearly understood that the assessment of the Selection Committee is not subject to appeal either before the Tribunal or by the courts. One has to give credit to the Selection Committee for making their assessment and it is not subject to appeal. Taking the overall view of ACRs of the candidates, one may be held to be very good and another may be held to be good. If this type of interference is permitted then it would virtually amount that the Tribunals and the High Courts have started sitting as Selection Committee or act as an Appellate Authority over the selection. It is not their domain, it should be clearly understood, as has been clearly held by this Court in a number of decisions.....”

iv) Om Prakash Poplai and Rajesh Kumar Maheshwari v. Delhi Stock Exchange Association Ltd., (1994) 2 SCC 117, was a case where an appeal was filed before this Court challenging the selection of members to the Delhi Stock Exchange on the ground that the Selection Committee formed for the aforesaid purpose, arbitrarily favoured some candidates and was thus, against Article 14. This Court rejected the allegation of favouritism and bias by holding as under:

“5. ...the selection of members by the Expert Committee had to be done on the basis of an objective criteria taking into consideration experience, professional qualifications and similar related factors. In the present cases, we find that certain percentage of marks were allocated for each of these factors,



namely, educational qualifications, experience, financial background and knowledge of the relevant laws and procedures pertaining to public issues etc. Of the total marks allocated only 20 per cent were reserved for interviews. Therefore, the process of selection by the Expert Committee was not left entirely to the sweet-will of the members of the Committee. The area of play was limited to 20 per cent and having regard to the fact that the members of the Expert Committee comprised of two members nominated by the Central Government it is difficult to accept the contention that they acted in an unreasonable or arbitrary fashion.....”

66. *Thus, the inexorable conclusion that can be drawn is that it is not within the domain of the Courts, exercising the power of judicial review, to enter into the merits of a selection process, a task which is the prerogative of and is within the expert domain of a Selection Committee, subject of course to a caveat that if there are proven allegations of malfeasance or violations of statutory rules, only in such cases of inherent arbitrariness, can the Courts intervene.*

67. *Thus, Courts while exercising the power of judicial review cannot step into the shoes of the Selection Committee or assume an appellate role to examine whether the marks awarded by the Selection Committee in the viva-voce are excessive and not corresponding to their performance in such test. The assessment and evaluation of the performance of*



candidates appearing before the Selection Committee/Interview Board should be best left to the members of the committee. In light of the position that a Court cannot sit in appeal against the decision taken pursuant to a reasonably sound selection process, the following grounds raised by the writ petitioners, which are based on an attack of subjective criteria employed by the selection board/interview panel in assessing the suitability of candidates, namely, (i) that the candidates who had done their post-graduation had been awarded 10 marks and in the viva-voce, such PG candidates had been granted either 18 marks or 20 marks out of 20. (ii) that although the writ petitioners had performed exceptionally well in the interview, the authorities had acted in an arbitrary manner while carrying out the selection process, would not hold any water.

10. *The conceded position emerging from record is that all the petitioners belong to reserved category and primarily SC (M&B) and as per advertisement, 27 seats were reserved for the said category. 17 seats of the said category have been filled up from SC (M&B) and 2 seats have been filled from SC(R&O). 8 seats have been carried forward. There was 1 seat meant for SC (Sports-R&O) and the said seat has not been filled up. It has also been carried forward. The petitioners participated in the selection process and they have not been selected. The respondent has prepared combined merit list for the purpose of reservation.*



11. *Paragraph 5.3 of the advertisement permits candidates to apply for more than one specialization/function. Every candidate was supposed to apply for one domain and one function, however, liberty was granted to apply for more than one function/specialization. This facilitated candidates to apply for more than one function/specialization and it increased their possibility of success. The said paragraph has no concern with preparation of merit list and reservation. It simply creates right to apply for different functions. Paragraph 5.3 of the advertisement reads as:*

“5.3 Candidates are required to apply in minimum one Specialization/ Function. However, applying in multiple Specializations/ Functions may increase their chances of selection as the cut off for each Specialization/ Function may be different depending upon the number of candidates to be selected in that Specialization/ Function and the number of candidates applying for that Specialization/ Function.”

12. *Paragraph 9.6 prescribes procedure for preparation of selection list. It provides that reservation roster shall be applied as per the State Government instructions on the combined merit list and not on the individual domain/specialization. It further provides that reservation category and/or domain/specialization as and when gets filled up, further selection to that reservation category and/or domain specialization shall be discontinued. The relevant extracts of Paragraph 9.6 of the advertisement read as:*



“9.6 Preparation of the Selection List

9.6.1 For preparation of Selection List, the Reservation roster shall be applied as per the State Government instructions on the combined merit list and not on the individual Domains/ Specializations. The candidates shall be selected in their respective Reservation categories and shall be allocated to a particular Domain/ Specialization as per their overall merit prepared on the basis of aggregate marks of Test 1 and Test 2 as prepared in clause 9.5.1 hereinbefore.

9.6.2 As and when a Reservation Category and/ or Domain/ Specialization gets filled up completely, further selection to that Reservation Category and/ or Domain/ Specialization shall be discontinued.”

13. *From the pleadings and arguments of learned counsel for the petitioners, nothing sort of favoritism can be culled out. The petitioners could not be selected because of convoluted mechanism adopted by respondent-State. The respondent, at the same moment, advertized different domains as well as functions and granted liberty to applicants to apply for different functions. The respondent has prepared combined merit list for the purpose of reservation. The reservation has not been applied domain-wise or function-wise whereas reservation policy has been applied on the combined merit list. Resultantly, there was possibility that in a particular domain, no candidate belonging to a particular category is selected. The respondent has selected 145 candidates belonging to reserved*



category against 157 reserved posts. This indicates that respondent-State collectively has followed reservation policy and duly complied with mandate of 2006 Act. The twelve reserved vacancies have been left vacant. These vacancies have not been filled up from general category candidates and carried forward for next recruitment process. The grievance of the petitioners has primarily emanated on account of their application in a particular domain or particular function. In Para 9.6.2 of the advertisement, it was clearly mentioned that question of reservation and domain/specialization would run simultaneously. The respondent-State at every point of time was supposed to look at reservation as well as domain. In case, a candidate belonging to a reserved category is selected in one particular domain, it may result into depriving another candidate of said category from his seat in another domain/function e.g. if there is one seat for SC (sports) and two candidates apply under different domains, as soon as one candidate is selected in one domain, another would not be selected in another domain. Similarly, in a particular domain, majority candidates may be from a particular category due to non-availability of candidates of other categories.

14. *The petitioners have participated in the selection process and there is no illegality or arbitrariness on the part of the respondent-State. In the absence of prima facie illegality or arbitrariness, it would not be fair on the part of Court to interfere in the selection process.*



15. *It is settled proposition of law that a candidate having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful.*

16. *In Ramesh Chandra Shah v. Anil Joshi, (2013) 11 SCC 309, after referring to a catena of judgments on the principle of waiver and estoppel, Supreme Court did not entertain the challenge to the advertisement for the reason that the same would not be maintainable after participating in the selection process. The relevant extracts of the judgment read as:*

“24. In view of the propositions laid down in the above noted judgments, it must be held that by having taken part in the process of selection with full knowledge that the recruitment was being made under the General Rules, the respondents had waived their right to question the advertisement or the methodology adopted by the Board for making selection and the learned Single Judge and the Division Bench of the High Court committed grave error by entertaining the grievance made by the respondents.”

*A two Judge Bench of Supreme Court in **State of Uttar Pradesh v. Karunesh Kumar and Others 2022 SCC Online SC 1706** has clearly held that a candidate who has participated in the selection process is estopped and cannot challenge the selection process.*

*A two Judge Bench of Apex Court in **Tajvir Singh Sodhi (supra)** has held that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after*



having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. A candidate cannot allege that selection process was unfair or there was some lacuna in the process just because selection process was not palatable to a candidate

17. *The petitioners have participated in the selection process and they have not been selected on account of combined merit list for the purpose of reservation. They, at this belated stage, cannot dispute mode and manner prescribed in the advertisement.*

18. *In the wake of above facts and findings, all the petitions deserve to be dismissed and accordingly dismissed.*

19. *Before parting with the judgment, this Court would hasten to advert with Paragraph Nos.11.5 of the advertisement. In the said paragraph, it has been provided that there would be no waiting list and unfilled vacancies shall be carried forward in the respective reservation category to the next recruitment process. The State counsel during the course of arguments further confirmed that unfilled seats meant for open category would not be carried forward.*

Paragraph 11.5 of the advertisement reads as:

“11.5 No Waiting List shall be prepared and any unfilled vacancy shall be carried forward in the respective reservation category to the next recruitment. It is however clarified that the Domain(s)/ Specialization(s), if any, would be applicable as decided at the time of next recruitment afresh and may differ from the existing Domain(s)/ Specialization(s).”



20. *The selection process commences from the advertisement and completes on the joining of candidates. It is well-known fact that every selection process imbibes a quite long time. There are always possibilities especially in Armed Forces that few candidates at the stage of medical examination are found unfit. There are always further possibilities of selection of same candidate against more than one post. In such circumstances, posts may get vacant and if these posts are carried forward despite availability of eligible candidates, it would waste valuable time and energy of the State as well as prejudice those candidates who are not selected on account of minuscule margin.*

21. *This Court finds that it would be in the interest of justice, equity and fair play if the respondent-State in view of judgment of Apex Court in **Munja Praveen and others v. State of Telangana and others, 2017(14) SCC 797**, qua vacant posts, re-considered claim of eligible candidates.”*

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

5. Learned counsel for the appellants contend that the learned Single Judge completely ignored the contentions raised by the appellants and without any reply has wrongly dismissed the writ petitions. They further contend that the learned Single Judge totally ignored the fact that the present selection is contrary to reservation policy. They, therefore, pray that the present appeals be allowed and the judgment passed by the learned Single Judge be set aside.

6. *Per contra*, learned counsel for the State submits that the Provisional Selection List (Sub-Inspectors) published on 25.05.2023 and Provisional Selection



List (Constables) published on 06.12.2023 is in accordance with the Rules/instructions of Government of Punjab, Standing Order No.7 of 2021 (recruitment of Sub-Inspectors) & Standing Order No.6 of 2021 (recruitment of Constables), Advertisement No.7 of 2021 dated 09.09.2021 (recruitment of Sub-Inspectors) & Advertisement No.6 of 2021 dated 09.09.2021 (recruitment of Constables) and subsequent Corrigendum(s). He, therefore, contends that the learned Single Judge has rightly dismissed the writ petitions filed by the appellants.

7. We have heard learned counsel for the parties and perused the whole record of these cases.

8. A perusal of the record shows that the process for preparing Provisional Selection List has been explained in para No. 9.6 of the said advertisement(s) dated 09.09.2021, which are reproduced as under:

"9.6 Preparation of the Selection List

9.6.1 For preparation of Selection List, the Reservation roster shall be applied as per the State Government instructions on the combined merit list and not on the individual Domains/ Specializations. The candidates shall be selected in their respective Reservation categories and shall be allocated to a particular Domain/ Specialization as per their overall merit prepared on the basis of aggregate marks of Test 1 and Test 2 as prepared in clause 9.5.1 hereinbefore.

9.6.2 As and when a Reservation Category and/ or Domain/ Specialization gets filled up completely, further selection to that Reservation Category and/ or Domain/ Specialization shall be discontinued.



9.6.3 Firstly, the vacancies of General (unreserved), ExServicemen (General) and Sportspersons (General) category shall be filled up simultaneously out of the candidates belonging to all the categories on the basis of their merit. Secondly, the vacancies of different 4 Reserved categories including Sportspersons (SC) shall be similarly filled up simultaneously out of the candidates belonging to the respective Reserved category based on the overall merit.

9.6.4 Once a candidate has been selected and allocated a Domain/ Specialization, (s)he shall not be considered for selection against remaining Domain(s)/ Specialization(s) in which (s)he may have appeared.

9.6.5 In case of a candidate who has appeared in more than one Specialization in any Domain in Test 2 and gets equal aggregate marks considering his/ her marks in different Specializations, the consideration for selection to the Selection List shall be affected as follows:

9.6.5.1 For IT Services Domain, the candidate shall be first considered for selection to the Selection List in a Specialization of Grouping 1, followed by a Specialization of Grouping 2, followed by a Specialization of Grouping 3. The candidate shall be allocated in whichever Specialization (s)he secures a place in the Selection List first in point of time and thereafter the selected candidate shall not be considered against remaining Specializations.



9.6.5.2 For Community & Victim Support and Counselling Services Domain, the candidate shall be considered for selection to the Selection List in the Specialization of Community Counselling first, and 5 thereafter in Community & Victim Support Specialization. The candidate shall be allocated in whichever Specialization (s)he secures a place in the Selection List first in point of time and thereafter the selected candidate shall not be considered against remaining Specializations.

9.6.5.3 For Forensic Sciences Domain, the candidate shall be considered for selection to the Selection List in a Specialization of Computer/ Digital Forensic Analysis first, and thereafter in Forensic Analysis Specialization. The candidate shall be allocated in whichever Specialization (s)he secures a place in the Selection List first in point of time and thereafter the selected candidate shall not be considered against remaining Specializations.

9.6.6 While preparing the Selection List, in the event of two candidates securing equal aggregate marks, the same Tie resolution criteria as in clause 9.5.2 hereinbefore shall be adopted."

9. Para 13 of the Advertisement(s) pertaining to 'No Waiting List' is reproduced as under:

"In the recruitment in TSS cadre, the reservation roster shall be applied to the vacancies of the single and unified cadre as a whole whereas the cut off of marks shall be applied to the



individual Domain and Specialization/ Function on the basis of 6 the number of candidates to be selected in that Domain and Specialization/ Function. The selection of candidates to the individual Domain and Specialization/ Function is going to be reservation category agnostic. Therefore, no waiting list shall be prepared in the recruitment of Constables in TSS cadre."

In addition, Para 11.5 of the Advertisement(s) pertaining to 'Final Merit List' is reproduced as following:

"No Waiting List shall be prepared and any unfilled vacancy shall be carried forward in the respective reservation category to the next recruitment. It is however clarified that the Domain(s)/ Specialization(s), if any, would be applicable as decided at the time of next recruitment afresh and may differ from the existing Domain(s)/ Specialization(s)."

10. Since no reply was filed to the writ petition, therefore, the learned State counsel was directed to give written synopsis regarding the details of selection process. The details of the selection process as given by the learned State counsel are as under:-

As per the provisional Selection List (Sub-Inspector) published dated 25.05.2023, 12 number of vacancies remained unfilled out of 267 vacancies published in Advertisement No. 7 of 2021 due to the absence of eligible candidates in a particular Domain/ Specialization. All 12 unfilled vacancies are in Forensic Analysis Specialization/ Function under Forensic Sciences (FS) Domain. The reservation wise vacancies remain unfilled is detailed as under:



Sr. No.	Category	Number of unfilled vacancies	
		Male	Female
1.	Scheduled Caste (M&B)	1	7
2.	Ex-Servicemen SC (M&B)	1	0
3.	Sports SC (M&B)	2	0
4.	Sports SC (R&O)	1	0
Total unfilled vacancies		12	

As per Provisional Selection List (Constables) published on 06.12.2023, 66 number of vacancies remained unfilled out of 2340 vacancies published in Advertisement No. 6 of 2021 due to the absence of eligible candidates in a particular Domain/ Specialization. Out of these 66 unfilled vacancies, 35 unfilled vacancies are in Forensic Analysis Specialization/ Function under Forensic Sciences (FS) Domain and 31 unfilled vacancies are in System Administration Specialization/ Function under Information Technology (IT) Domain. The reservation wise vacancies which remained unfilled are detailed as under:

Sr. No.	Category	Number of unfilled vacancies	
		Male	Female
1.	Scheduled Caste (M&B)	46	0
2.	Freedom Fighter	1	9
3.	Sports SC (M&B)	10	0
Total unfilled vacancies		66	



11. The provisional Selection List of 255 candidates in the rank of Sub-Inspector & provisional Selection List of 2274 candidates in the rank of Constables is prepared in accordance with the State Government rules/ instructions, TSS cadre Service rules, Standing order and the Advertisement. The provisional Selection List is prepared as per Para 9.6 (Preparation of Selection List), of the advertisement. As prescribed in the advertisement, reservation was applied as per the State Government instructions on the combined merit list and not on the individual Domains/ Specializations. Also, as and when a reservation category and/ or Domain/ Specialization gets filled up completely, further selection to that reservation category and/ or domain/ Specialization was discontinued. Firstly, the vacancies of General (unreserved), Ex-Servicemen (General) and Sportspersons (General) category were filled up simultaneously out of the candidates belonging to all the categories on the basis of their merit. Secondly, the vacancies of different reserved categories including Sportspersons (SC) were similarly filled up simultaneously out of the candidates belonging to the respective reserved category based on the overall merit. The following candidates were unable to secure a place in the provisional Selection List, details of which are as under:

Sr.No.	Details of LPA	Name of Petitioner	Roll No.	Specialization applied	Marks obtained (out of 200)	Applied reservation category	Remarks
1.	313/2024	Rikul Chhatwal	220702001745	Community & Victim Support	79.12105	SC M&B)	Specialization cut-off: 117.99084
2.	349/2024	Rahul Dika	220706001947	Human Resource Management	132.84896	Wards of Police Personnel (WPP Certificate not produced. Hence, considered	Specialization cut-off 143.01324



						as Unreserved Candidate)	
3.	352/ 2024	Tarsem	2206040 01100 (Consta ble)	Human Resource Management	49.59300	BC Male	Specializat ion cut- off:120.10 920
4.	421/ 2024	Bakshish Singh	2207020 01995	Human Resource Management	109.56131	Sports SC (R&O) Male	Specializat ion cut- off:143.01 324
5.	451/ 2024	Prabhjeet Singh	2207050 00228	Network Management	48.75481	Ex- Servicemen General Self Male	Specializat ion cut- off:69.271 23
				IT Support	44.00481		Specializat ion cut- off:88.208 52
				Data Analytics	80.25481		Specializat ion cut- off:142.15 444
6.	461/ 2024	Baljeet Kaur	2207020 01060	Human Resource Management	85.52859	General Female	Specializat ion cut- off:143.01 324
7.	464/ 2024	Yuvraj Singh	2207030 00693	Programming/ Coding	66.12395	SC (M&B) Male	Specializat ion filled up by other reservation categories (Para 9.6) 27123
				Network Management	73.62395		Specializat ion filled up by other reservation categories (Para 9.6) 27123
				Data Analytics	101.12395		Specializat ion cut- off:142.15 444
8.	751/ 2024	Gurpreet Singh	2207020 00314	Programming/ Coding	25.72729	Ex- Servicemen SC (R&O) – Vimukat Jati/Bazigar Self Male	Specializat ion cut- off:64.581 82
				Network Management	44.22729		Specializat ion cut- off:69.271 23
				Data Analytics	51.97729		Specializat ion cut-



							off:142.15 444
9.	752/ 2024	Kartik Singla	2207020 00620	Data Mining	103.23816	Sports General Male	Specializat ion cut- off:146.13 659
				Data Analytics	117.23816		Specializat ion cut- off:142.15 444
				Programming/ Coding	64.988156		Sports General Cut-off 75.29875
10	757/ 2024	Baghicha Singh	2207020 00926	Community & Victim Support	67.07894	Ex- Servicemen BC Self Male	Specializat ion cut-off : 117.99084
11.	776/ 2024	Pavan Kamboj	2207060 02555	Human Resource Management	146.00577	B.C Male	Specializat ion filled up by other reservation categories (Para 9.6)
12.	803/ 2024	Sahil Kumar	2207050 01586	Human Resource Management	55.21782	SC (M&B) Male	Specializat ion cut-off 143.01324
13	841/ 2024	Satpal Singh	2207060 00258	System Administration	106.43312	General Male	General Male Cut- off : 132.36861
				Network Management	96.68312		
				Data Analytics	116.43312		
14.	871/ 2024	Anjani Verma	2207010 00367	Human Resource Management	107.26061	General Female	Specializat ion cut-off 143.01324
15.	971/ 2024	Jagwinder Singh	2207030 0896	Human Resource Management	61.32594	SC (M&B) Male	Specializat ion cut-off 143.01324
16.	1008 /202 4	Akshay Bharial	2207040 00280	Data Analytics	126.05315	SC (R&O) Male	Specializat ion cut-off 142.15444
				Programming / Coding	78.55315		SC (R&O) Male cut- off
				Network Management	90.30315		99.61501



12. Reservation point is treated as filled/ consumed only when the candidate actually joins the post in the direct recruitment. As per instructions of the Government of Punjab and as per provisions of the Advertisement(s), any unfilled reserved vacancy would be carried forward in the respective reservation category to the next recruitment.

CONCLUSION

13. A perusal of advertisement shows that as per clause 9.6 of advertisement dated 09.09.2021, it is clearly mentioned as to how the selection list would be prepared. There is no ambiguity in the same and therefore, learned Single Judge has rightly observed that after participating in the selection process the appellants/petitioners cannot challenge the provisional merit list on the ground that no reservation policy has been followed by the respondents while making the selections as referred to above. In clause 9.6 it has been categorically explained that how the selection list would be prepared.

14. Further when the advertisement was issued clause 9.6 of the same was very much in the knowledge of the appellants and they never challenged clause 9.6 wherein the preparation of the selection list has been categorically explained.

15. A perusal of written synopsis of the State shows that as per online application form submitted by the candidate namely Sh. Rahul Dika with Roll No. 220706001947 (LPA No. 349/ 2024 in CWP No. 14105 of 2023), the candidate had applied under Ward of Police Personnel (WPP) reservation category. The candidate during submission of his online application form had also uploaded his father's Identification card to support his candidature under Ward of Police

Personnel (WPP) reservation category. As the candidate namely Sh. Rahul Dika



with Roll No. 220706001947 had neither uploaded his Ward of Police Personnel certificate, issued by the office of the Director General of Police, Punjab, during submission of his online application form, nor submitted his Ward of Police Personnel certificate during Document Scrutiny process, the candidate namely Sh. Rahul Dika with Roll No. 220706001947 was considered as unreserved/ general/ open candidate. The candidate namely Sh. Rahul Dika with Roll No. 220706001947 had applied in Human Resource Management Specialization/ Domain. The cut-off marks in Human Resource Management Specialization/ Domain irrespective of reservation category is 143.01324/ 200 (at serial number 84). The candidate namely Sh. Rahul Dika with Roll No. 220706001947 has obtained 132.84896/ 200 marks, which are less than the Specialization/ Domain cut-off. Thus, the candidate was unable to secure a place in the provisional Selection List. Further, since the candidate belongs to Scheduled caste (M&B) social category, the candidate was charged Rs.1100/- for submitting his online application form, in accordance with the provisions mentioned in para 20.2 of the advertisement, which is reproduced as following:

"20.2 APPLICATION FEE

20.2.1 Application fees for opting for a minimum of one Specialization/ Function shall be charged as under:

Sr. No.	Category	Application Fees
1.	General	Rs.2000/-
2.	SC/ST/BC	Rs.1100/-
3.	EWS	Rs.1100/-



4.	Ex-Servicemen / Lineal Descendants	Rs.900/-
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20.2.2 The incremental Application fees to be charged for every additional Specialization/ Function shall be Rs. 600/- for all categories."

16. The Provisional Selection List (Sub-Inspectors) published on 25.05.2023 and Provisional Selection List (Constables) published on 06.12.2023 are in accordance with the rules/ instructions of Government of Punjab, Standing Order No. 7 of 2021 (recruitment of Sub-Inspectors) & Standing Order No. 6 of 2021 (recruitment of Constables), Advertisement No. 7 of 2021 dated 09.09.2021 (recruitment of Sub-Inspectors) & Advertisement No. 6 of 2021 dated 09.09.2021 (recruitment of Constables) and subsequent Corrigendum(s).

17. Therefore, in view of the above, the above-numbered appeals are dismissed being devoid of any merit. The judgment dated 22.01.2024 passed by the learned Single Judge in *CWP-12331-2023* titled as "*Sukhdev Singh Vs. State of Punjab and Others*" and other connected petitions is upheld.

18. Pending applications, if any, also stand disposed of.

19. A photocopy of this order be placed on the files of other connected cases.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

October 14, 2024
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Whether speaking/non-speaking : Speaking
Whether reportable : Yes