

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

**CWP No. 13205 of 2012
Date of decision: 13.10.2015**

Shingara Singh

...Petitioner

Versus

SBP and Others

...Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL.

Present: Mr. M.K. Singla, Advocate for the petitioner.

Mr. Vikas Chatrath, Advocate
for respondents No. 1 to 6.

Mr. N.S. Dandiwal, Advocate
for respondent No. 16.

LISA GILL, J.(ORAL)

Petitioner in this writ petition has prayed for quashing letter dated Nil, Annexure P-5, vide which respondent No. 5 has been selected as Peon/Frash, Subordinate Cadre, under Scheduled Caste Category.

Specific ground of challenge is that respondent No. 16-Ranjodh Singh has been reflected as a selected candidate even though he has not passed 8th Standard Examination as per the requirement in the advertisement Annexure P-4. Reference is also made to Annexure P-7, i.e., the information supplied to the petitioner in response to his queries under the Right to Information Act, 2005, wherein it is mentioned at clause 4 that petitioner did not qualify for the interview.

Abovesaid information dated 19.6.2012, Annexure P-7 has been received by the petitioner in pursuance to his application under the Right to Information Act, 2005. It is submitted that the entire selection process is vitiated and clearly reflects that the respondents have failed to carry out the selection in a fair and proper manner. They have conducted themselves in an illegal, arbitrary and unjust manner thereby, vitiating the entire selection.

Learned counsel for the respondents while refuting the said averments submits that respondent No. 16 is duly qualified and is an eligible candidate as per conditions laid out in the advertisement, Annexure P-4. Reference is made to Annexures R-1/16 and R-2/16 i.e., the Matriculation Certificate as well as Middle Standard Examination Certificate issued to respondent No. 16. It is further submitted that there is a clear cut typographical error in the communication dated 19.6.2012. The line **“Regarding interview he did not qualify for interview”** should actually have read as "regarding interview he did not qualify in interview". The word 'for' has been wrongly typed instead of 'in'. This is apparent from the fact that it is the petitioner's own case that he had appeared for the interview. Dismissal of the writ petition is thus prayed for.

Having heard learned counsel for the parties, it is clear that the present writ is devoid of any merit. Respondent No. 16 has clearly qualified the Middle Examination as well as the Matriculation Examination. Reference by learned counsel for

the petitioner to Annexures R-2/16 that respondent No. 16 is reflected to have failed in Social Science Paper is of no avail to the petitioner especially for the reason that the said Certificate itself declares the said respondent to have passed the examination. There is no challenge to the veracity of these Certificates. No replication has been filed by petitioner. Furthermore, in view of the judgment of this Court titled as **Manjit Singh Vs. State of Punjab, 2009 (2) S.C.T. 445** once respondent No. 16 has cleared the Matriculation Examination i.e., the next higher examination, such an objection does not survive to help the petitioner in any manner.

It is matter of record that the petitioner duly participated in the selection process. He secured 47.467 marks in respect to his qualifications and qualified for the interview. In the interview he was awarded 21 marks out of 30. He secured total 68.467 marks for qualification and interview. Selected candidates Manjeet Kumar, Binder Singh, Gurdhian Singh and Surinder Kumar were awarded 73.38, 72.17, 69.63 and 69.52 marks respectively. It is thus apparent that no person lower in merit than the petitioner has been selected or appointed under the Scheduled Caste category to the post of Peon-cum-Frash. Petitioner cannot secure any benefit from the averment/mention in Annexure P-7, dated 19.6.2012 to the effect that he never qualified for the interview or that this aspect vitiates the selection. It is the petitioner's own case that he appeared for the interview. Perusal of the record shows that he was duly awarded

21 marks out of 30 in the interview. He secured a total of 68.467 and was, therefore, not selected. It is clearly a grammatical error, thus argument based thereon is misconceived and irrelevant.

It is noted that a photocopy of the entire record of the case was handed over to learned counsel for the petitioner who has gone through the same. Learned counsel for the petitioner is unable to point out any illegality or infirmity in the impugned selection to the post of Peon/Frash.

Keeping in view the facts and circumstances of the case, present writ petition is dismissed.

October 13, 2015

Poonam (II)

**(LISA GILL)
JUDGE**