

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

CWP No. 19786 of 2012(O&M)

Date of decision : 14.05.2015

Mohinder

..... Petitioner

versus

Union of India and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Varun Gupta, Advocate for the petitioner.
Mr.D.S.Bishnoi and Mr.Sanjay Joshi, Advocates for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

The claim of the petitioner is that he applied for recruitment to the post of Constable(GD) CISF, CRPF, SSB, BSF and ITBPF-2011 under the OBC category. He passed all the tests and was called for common medical test but was declared unfit. He applied for review medical examination and was declared fit by the Medial Board but the respondents failed him with the remarks of unfit in the list of Constable (GD) CISF, CRPF, SSB, BSF. He made a representation for both the posts but to no avail.

On 10.02.2015 the following order was passed:-

“ Learned counsel for the petitioner places reliance on a communication dated 5.3.2014 issued to one Kanhiya Soni under the Right to Information

Act, 2005, to contend that, one Koshal Kumar, belonging to UR category and having secured 41 marks, has been appointed as Constable in the Combined Police Organisation, thereby illegally ignoring the petitioner who has secured 45 marks.

Learned counsel for the petitioner has supplied a copy of the abovesaid communication dated 5.3.2014 to the learned counsel for the respondents, who seeks time to get instructions.

On his request, adjourned to 14.5.2015.”

Today Mr.Bishnoi has filed affidavit of Shri Wren Mishra, Deputy Regional Director, Staff Selection Commission(NWR), Chandigarh wherein it has been explained that Koshal Kumar being a candidate from Jammu & Kashmir is in a totally different merit list than the petitioner who is from OBC category and from the category of Koshal Kumar the last candidate selected had 35 marks. Considering that both the persons were in different categories it would be like comparing apples and oranges.

Petition is dismissed.

(AJAY TEWARI)
JUDGE

May 14, 2015
sunita