

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 20276 of 2012

DATE OF DECISION : March 24, 2015

Satinder Singh

..... PETITIONER(S)

VERSUS

State of Punjab & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. B.S. Jaswal, Advocate, for the petitioner.
Mr. A.P.S. Mann, Additional Advocate General, Punjab,
for respondents No.1 & 2.

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1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the digest? YES/NO

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ARUN PALLI, J. (Oral)

A writ in the nature of certiorari is prayed for to quash the selection of respondents No.3 and 4 as Constables, as indicated in the final result dated 21.09.2012 (Annexure P-6). And consequently, respondents No.1 and 2 be directed to consider the claim of the petitioner for selection, since he

happened to be fully eligible and had even cleared the physical

test, etc.

In short, the case set out in the petition is that applications were invited to fill up 200 posts of Male Constables in Armed Police Cadre in Punjab Police. 1% i.e. 2 posts, were reserved in the category of dependents of Freedom Fighters. Petitioner applied in the said category and competed for selection against the said two posts. After clearing the physical test, he was called for interview on 19.09.2012, on the basis of his merit, vide interview schedule (Annexure P-4), along with two other candidates i.e. Roll Nos.3629 and 14027. However, the final selection list, that was notified on 21.09.2012, vide Annexure P-6, revealed that the candidates with Roll Nos.14025 and 14489 i.e. respondents No.3 and 4, respectively, were selected in the category of dependents of Freedom Fighters. The grievance set out in the petition is that the names of the selected candidates did not even figure in the interview schedule (Annexure P-4) and, thus, they were never invited for interview. Since, their names appeared in the final selection list for the first time, without having appeared in the test or interview, it was evident that the same was actuated through unfair means and was wholly unsustainable.

Pursuant to the notice issued by this Court, reply by way of affidavit of Chairman, Recruitment Board-cum-IGP, PAP, Jalandhar Cantt., was filed, and a reading thereof reveals that a detailed interview schedule as regards 536 candidates was issued on 03.09.2012, with the note that if any candidate had any clarification/objection, he could contact the Board.

Candidate i.e. Harvneet Singh (Roll No.14025), apprised the office of the Recruitment Board on 05.09.2012 that although he had applied for recruitment against the posts reserved for the wards of Freedom Fighters, but his name was not included in the list of candidates called by the Recruitment Board, for interview. Resultantly, the form of the said candidate was scrutinized and it was discovered that on account of an error in the Code of the computer data, only three candidates were shown to have applied for recruitment as Constable against the seats reserved for the wards of Freedom Fighters. Albeit, on scrutiny of the data, it was found that both the private respondents No.3 and 4 and 7 other candidates, had also competed for recruitment in the same category, and had obtained 24/25 marks and were, thus, eligible to be called for interview. The details of the marks obtained by the said candidates are depicted in a tabulated form and the same reads, as thus:-

<i>Sr. No.</i>	<i>Name of Candidate</i>	<i>Roll No.</i>	<i>Height</i>	<i>Height Marks</i>	<i>Edu.</i>	<i>Edu. Marks</i>	<i>Total Marks</i>
1	Gurpreet Singh	1488	5' 10"	13	BA-II	12	25
2	Surinder Singh	4197	6' 2"	15	10+2	10	25
3	Gursewak Singh	7672	6' 2"	15	10+2	10	25
4	Yadwinder Singh	13399	6' 01"	15	BA-I	11	26
5	Harvneet Singh	14025	5' 11"	14	10+2	10	24
6	Davinder Singh	14489	6' 02"	15	10+2	10	25
7	Rajbhupinder Singh	15153	5' 10"	13	BA-I	11	24
8	Harbhajan Singh	17218	5' 11"	14	10+2	10	24
9	Sukhdeep Singh	18338	6'	15	10+2	10	25

That being so, the 9 left out candidates were, then, called for interview on 19.09.2012, followed by final declaration of the result. As respondents No.3 and 4 had obtained 27.5 and 27 marks, respectively, on the basis of their height, educational

qualification and interview, they were, selected for appointment. Candidate with Roll No.1488 was kept in the waiting list. Since, the petitioner had obtained 26.5 marks, therefore, he was not selected.

I have heard learned counsel for the parties and perused the records. On a due and thoughtful consideration of the matter in issue, I am of the considered view that the instant petition is devoid of merit and is, thus, liable to be dismissed for the reasons that are being recorded hereinafter.

Learned counsel for the petitioner does not controvert the position as reflected in the written statement filed by respondents No.1 and 2. No replication/counter affidavit is filed by the petitioner either. Concededly, the selection was to be made on the basis of the marks obtained by a candidate in the physical test, educational qualification and interview. Records show that the petitioner had obtained 26.5 marks, whereas, respondents No.3 and 4 had obtained 27.5 and 27 marks, respectively. In fact, Gurpreet Singh (Roll No.1488), was kept in the waiting list. That being so, learned counsel for the petitioner could not point out as to how the selection of respondents No.3 and 4 could be questioned. As regards the fact that their names did not figure in the interview schedule dated 19.09.2012, that was circulated vide Annexure P-4, a cogent explanation has been rendered by respondents No.1 and 2 in their written statement. Besides the 3 candidates (including the petitioner), who were called for interview on 19.09.2012, vide Annexure P-4, there were 9 other candidates,

who had applied and competed for selection. And, only on account of a technical snag in the computer data, 3 candidates were shown to have applied for recruitment. However, as soon as the mistake was discovered, even the rest 9 candidates were called for interview. Since, the combined marks obtained by respondents No.3 and 4, i.e. on the basis of physical test, educational qualification and interview, are more than the petitioner, thus, his grievance is wholly misplaced.

In the wake of the position as set out above, there hardly exists any ground, least plausible in law, to exercise extra ordinary jurisdiction under Article 226 of the Constitution. The petition, being devoid of merit, is hereby dismissed.

MARCH 24, 2015
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(ARUN PALLI)
JUDGE