

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 17159 of 2015

Date of Decision : August 24, 2015

Niranjan Kumar Petitioner

Vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Sunil Kumar Bhardwaj, Advocate
for the petitioner.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner prays for quashing of order dated 10.10.2012 (Annexure P-7), through which his claim for appointment as Conductor has been rejected.

A few uncontroverted facts may be noticed.

The petitioner, who is a dependent of an ex-serviceman, was not offered appointment as a Conductor since he secured only 94 marks in the written test as against the minimum pass marks, which were 100.

The petitioner was further found to have misrepresented his case in his application form, in which he had claimed to be an ex-serviceman. At the time of interview, he admitted that he was a dependent of an ex-serviceman and had inadvertently claimed to be an ex-serviceman in his application form.

The petitioner challenges the criteria of fixation of 50% as pass marks in the written test. It is submitted on his behalf that for candidates belonging to the ex-serviceman category, the pass marks were 40%, whereas for dependents of ex-servicemen, they were 50%. This action on the part of the respondents is challenged on the ground of discrimination.

Ex-servicemen and dependents of ex-servicemen are two distinct categories. As per applicable instructions, the dependents of ex-servicemen are to be considered only, if ex-servicemen are not available. Prescription of different pass marks for ex-servicemen and dependents of ex-servicemen does not result in discrimination as both these categories can be validly classified. Even otherwise, the petitioner was well aware of this criteria way back in February 2011 i.e. even before he took the written test. He is thus clearly estopped by his conduct to challenge the criteria after he has remained unsuccessful.

Further, the impugned order was passed on 10.10.2012. The present petition has been filed after nearly three years and for this delay, no worthwhile explanation has been given.

In view of the above, the present writ petition deserves to be dismissed and is ordered as such.

No costs.

(DEEPAK SIBAL)
JUDGE

August 24, 2015
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