

**Civil Writ Petition No. 18528 of 2015 (O&M)**

Date of decision : December 21, 2015

Deepak Kumar

.....Petitioner

Versus

Punjab State Power Corporation Ltd. and others ....Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**Present: Mr. Amit Shukla, Advocate  
for the petitioner.

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**LISA GILL, J.**

Prayer in this writ petition is for directing respondents No. 1 and 3 to take appropriate action against respondent No. 2 for intentionally misplacing documents regarding selection qua CRA No. 258/2006.

Brief facts are that petitioner – Deepak Kumar had applied for recruitment to the post of Assistant Engineer in response to advertisement CRA No. 276/2012. He qualified the written test but was not successful in the selection.

It is contended that in the earlier selection process held in the year 2006, benchmark had been lowered and it should have been lowered in the present selection also to afford appointment to the petitioner. It is averred that petitioner's father in February 2014, applied for the record regarding selections carried out pursuant to advertisement of 2006. However, said documents were never

supplied to him and he was informed by the respondents that said record has been lost. This communication though not placed on record is referred to in para 6 of the writ petition. It is submitted that respondent No. 2 has intentionally misplaced the file, therefore, action should be taken against him. In case, such record was made available petitioner could make out a case for lowering the merit in 2012 selection and he could be considered too, in such a situation. It is contended that respondents are bound to reveal as to how the file has been lost and what steps have been taken by them.

Petitioner preferred CWP No. 21097 of 2014 which was dismissed on 23.03.2015. Filing of CWP No. 21097 of 2014 has not been mentioned specifically in the present writ petition. Copy of order dated 23.03.2015 has been placed on record with record with C.M. No. 13591 of 2015. It is specifically mentioned in decision dated 23.03.2015 that petitioner having secured 38.25% marks did not secure benchmark of 40% qualifying marks.

It is observed that:

“ Merely because the posts are lying vacant will not clothe the petitioner with any right, much less legal right to approach this Court seeking a direction to the respondents to fill up the vacancies by relaxing the minimum qualifying marks. The petitioner had represented to the respondent Corporation for relaxation of the qualifying marks, but through the order impugned by the petitioner, the respondent Corporation has not

acceded to such request. To stick to the qualifying marks is an action on the part of the respondent Corporation, with which I find no fault. It is up to the employer to finalize and fix the qualifications he requires for manning the posts under it.”

Present writ petition is clearly misconceived inasmuch as petitioner having lost his cause pursuant to dismissal of his writ petition on 23.03.2015 is trying to flog a dead horse. Remedy, if any, is clearly not by way of present writ petition.

Being devoid of any merit, this writ petition is dismissed.

December 21, 2015  
rts

**(Lisa Gill)**  
**Judge**