

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.206

C.W.P. No.5299 of 2012
Date of decision:13.07.2015

Harbans Singh and anotherPetitioners

versus

Punjab State Agriculture Marketing Board and anotherRespondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vikas Kuthalia, Advocate,
for the petitioners.

Mr. Tarun Vir Singh Lehal, Advocate,
for respondent No.1.

Mr. K.K. Gupta, Advocate,
for respondent No.2.

1. Whether to be referred to the Reporters or not ? Yes
2. Whether the judgment should be reported in the Digest?

DEEPAK SIBAL, J.

Challenge in the present petition is to the revised merit list (Annexure P-3) of Auction Recorders in the category of Scheduled Caste (Ramdasia and others). The petitioners further pray for issuance of a direction to respondent No.1-Punjab State Agriculture Marketing Board (hereinafter referred to as the 'Board') to conduct the counselling as per the original merit list of Auction Recorders (Annexure P-2) in the category of

Scheduled Caste (Ramdasia and others) and thereafter to offer appointment to candidates as per their merit.

The facts, in brevity, leading to the filing of the present petition as borne out from the record as also after hearing the respective counsel for the parties are that in the year 2011, the respondent-Board advertised to fill up 142 posts of Auction Recorders out of which 63 posts were reserved to be filled up from the Scheduled Caste category. These 63 posts were further sub-divided as out of them 32 were to be filled up from (Majbis and Balmikis) whereas remaining 31 were to be filled up from candidates belonging to Ramdasia community and other Scheduled Castes. The selection was to be made on the basis of a written test followed by counselling. The advertisement further provided that in case the candidates, secured equal marks in the written test then the candidate who had higher marks in the qualifying examination would be preferred.

The petitioners applied for consideration of their candidature for the 31 posts reserved to be filled up from candidates belonging to Ramdasia Community and other Scheduled Castes. Being eligible, they were issued admit cards on the strength of which they appeared in the written test on the declaration of the results of which they secured 60 marks each. In the merit list of Ramdasia community and other scheduled castes, the petitioners found themselves at merit Nos.43 and 47 respectively.

In the counselling that followed candidates from merit list Nos.1 to 42 were considered and out of them appointments were made. The last person to be appointed was Harpreet Singh who had also secured 60 marks but since he had more marks in the qualifying examination he was preferred over and above the petitioners.

It is the case of the petitioners that, thereafter, respondents revised the merit list in which the petitioners were brought down from merit Nos.43 and 47 to 55 and 58 respectively. The petitioners represented against such action on the part of the respondent-Board but when their representations as also their applications under the Right to Information Act, 2005, to seek the reason as to why the respondent-Board had revised the merit list remained unanswered, they approached this Court through the present writ petition for the reliefs referred to above.

I have heard learned counsel for the parties and with their able assistance have gone through the record of the case.

The only challenge by the petitioners is to the revised merit list through which their merit has been down-graded from serial Nos.43 and 47 to serial Nos. 55 and 58 respectively in the category of Ramdasia and other scheduled castes. The petitioners say that such revision in the merit list is arbitrary.

A perusal of the respective written statements filed on behalf of respondents No.1 and 2 as also perusal of the record show that several candidates had filed complaints/objections with regard to the answer key to one of the questions in the written test. The matter was referred by respondent No.2 to an expert who opined that the answer key was, in fact, wrong. The opinion of the expert was accepted by the respondents and on that basis, the merit list was revised.

Thus, the revised merit list is based on expert opinion with which I am not inclined to interfere especially when nothing has been shown to me that such opinion was wrong. Further, no candidate lower in merit than the petitioners has been appointed.

In view of the above, finding no merit in the writ petition, the same is ordered to be dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

July 13, 2015

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