

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3703 of 2015

DATE OF DECISION: SEPTEMBER 1, 2015

PARSOON MEHTA

...PETITIONER

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

1. Whether the judgement should be reported in the digest? Yes/No

PRESENT: MR. G.S.BAL, SR.ADVOCATE
WITH MS. MANJU SHARMA, ADVOCATE
FOR THE PETITIONER.

M. JEYAPPAUL, J.

1. Aggrieved by the dismissal of the his application filed before the learned Central Administrative Tribunal, Chandigarh Bench (for short 'Tribunal') seeking a direction to respondent No.3-Staff Selection Commission to forward his dossier/claim for appointment as Inspector (Central Excise) and consequently, directing respondents No.1 and 2 to appoint him as against his selection, the writ petitioner Parsoon Mehta has preferred the present writ petition.

2. The writ petitioner appeared in Combined Graduate Level Examination conducted by Staff Selection Commission for appointment to the post of Inspectors in various Departments of Government of India including Department of Central Excise and Department of Posts. The writ petitioner qualified in the selection by securing 407 marks and his name was

recommended by Staff Selection Commission to the Department of Posts for appointment as Inspector vide order dated 9.6.2011.

3. The writ petitioner submitted a representation to the Staff Selection Commission for recommending his name for appointment in Central Excise as he secured more marks than other appointees in the Department of Central Excise. The writ petitioner approached the learned Tribunal in O.A. No.1335-PB of 2011, in which a direction was issued to the respondents to ascertain the options offered by a candidate from the relevant record and dispose of the same in accordance with merit. The request of the writ petitioner was declined.

4. The respondents have contended that the selection was made on the basis of merit-cum-preference exercised by the candidates. In the case of Inspector (Central Excise), the marks secured by first selected candidate in unreserved category was 514 and the last candidate was 408. The writ petitioner cannot ask for appointment to the post of Inspector (Central Excise), as he had secured only 407 marks. The cut-off mark for Inspector (Examiner), Inspector (Income Tax), Inspector (Central Excise) and Inspector (Preventive Officer) were 509, 478, 408 and 435 respectively. There is no policy to modify the cut-off marks for any post even if the candidate did not join.

5. Heard the submissions made by learned counsel appearing for the writ petitioner.

6. There is no dispute to the fact that the writ petitioner had secured only 407 marks in the selection made by Staff Selection

Commission and that cut-off mark for the post of Inspector (Examiner), Inspector (Income Tax), Inspector (Central Excise) and Inspector (Preventive Officer) were 509, 478, 408 and 435 respectively. Under such circumstances, there is no basis for the writ petitioner to stake a claim to the post of Inspector (Central Excise) as the cut-off mark therefor was fixed at 408.

7. The Staff Selection Commission receives the particulars regarding number of vacancies for selection and prepares list of candidates selected on the basis of merit. The writ petitioner was accommodated as Inspector (Posts) on the basis of the marks he had secured. As there is no Rule to accommodate the selected candidates appointed in other Departments based on merit-cum-preference in case of non-joining of a candidate for certain reasons, the writ petitioner cannot seek a prayer to accommodate him in Central Excise Department as an Inspector against the vacancy that would have arisen on account of non-joining of some candidates selected by the Staff Selection Commission and recommended for their appointment.

8. In our considered view, learned Tribunal has rightly dismissed the claim of the writ petitioner. We do not find any merit in the writ petition. Therefore, it stands dismissed.

(M. JEYAPPAUL)
JUDGE

September 1, 2015
Gulati

(DARSHAN SINGH)
JUDGE