

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.1529 of 2015(O&M)

Date of decision:19.10.2015

Ranjit Singh

....Appellant

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Amandeep Singh Cheema, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 16.07.2005 whereby the claim of the appellant for appointment as Constable was declined relying upon a Single Bench judgment of this Court in CWP No.1889 of 2012 titled Savitoj Singh v. State of Punjab and others, decided on 22.05.2013.

The respondents started the process of appointment of Constables vide advertisement dated 29.09.2011. The appellant was one of the candidates and selected for appointment but he got the same marks as another candidate. The claim of the appellant for appointment was declined in view of the standing order issued by the Director General of Police (Annexure R-1) on 19.03.2010 wherein it was contemplated that if at the time of preparing the merit list, two or more candidates obtain equal

marks then the candidate younger in age would be preferred for appointment as Constable.

In view of the said instructions, the writ petition filed by Savitoj Singh in respect of the same selection process was dismissed on 22.05.2013. It has been found that under the statutory Rules, no mode for determining the merit of the selected candidates has been provided, therefore, the instructions issued by Director General of Police to fill up the gap is under the jurisdiction of the Department.

We do not find that said reasoning given by learned Single Bench in Savitoj Singh's case (supra) followed in the case of the present appellant can be said to be suffering from patent illegality or irregularity as the method of preparing merit list was determined even before the advertisement was issued. A candidate younger in age would serve department for a longer period, therefore, such condition cannot be said to be unwarranted or unreasonable more so when such condition was contemplated even before the process of selection was set in motion.

Dismissed.

(HEMANT GUPTA)
JUDGE

OCTOBER 19, 2015
'D. Gulati'

(RAJ RAHUL GARG)
JUDGE