

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.525 of 2015 (O&M)
Date of Decision: April 08, 2015

State of Punjab and others

.....Appellants

versus

Davinder Kumar and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present:Mr.Amit Chaudhary, Additional AG, Punjab.
for the appellants.
Mr.GPS Bal, Advocate,
for the caveator/respondents.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The controversy that arose for consideration of the learned Single Judge pertained to the preparation of inter se merit for recruitment to the posts of Teaching Fellows to be appointed against the sanctioned posts of JBT/ETT. The contention of the respondent/writ petitioners was that those reserved category candidates who in the final selection list have got marks higher than some of the open category candidates, be treated and included in the open category and the resultant vacancies in the reserved category be offered to the next candidates of reserve category in order of merit.

Learned Single Judge relying upon the settled law on the issue, has accepted such claim and directed the authorities to revisit the whole list and prepare a final list

accordingly.

No exception can be taken to the aforesaid view taken by the learned Single Judge. It is well settled law that if a reserved category candidate gets higher merit than the open category candidate(s), such reserved category candidate shall occupy the open category seat/post and the resultant vacancy shall go to the next candidate of reserved category in order of merit.

Learned State counsel, however, points out that at the time of preparing the selection list, the weightage of 5 marks to the candidates belonging to rural areas was granted and that benefit has been subsequently declared illegal by a Full Bench of this Court in case titled "Abhishek Rishi versus State of Punjab and others (CWP No.11071 of 2011), decided on 03.04.2013, though the said judgment pertains to admission in professional institutions.

A perusal of the order under appeal reveals that no such plea was raised by the appellants before the learned Single Judge.

Consequently, while we decline to interfere with the impugned order, liberty is granted to the appellants to seek clarification, if need be, from the learned Single Judge with regard to fate of 5 marks, if any, granted to the candidates belonging to rural areas.

With liberty aforementioned the appeal stands dismissed.

[SURYA KANT]
JUDGE

[P.B.BAJANTHRI]
JUDGE

April 08, 2015
mohinder

CM No.1065 of 2015 in
LPANo.525 of 2015

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State of Punjab and others vs. Davinder Kumar and others

Present : Mr.Amit Chaudhary, Additional AG, Punjab,
for the appellants.
Mr.GPS Bal, Advocate,
for the respondents.

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Having heard learned counsel for the parties and
for the reasons mentioned in the application, the same is
allowed subject to all just exceptions and 153 days' delay in
filing the appeal is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

April 08, 2015
mohinder

(P.B.BAJANTHRI)
JUDGE