

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.14022 of 2012

Date of decision: 28.3.2016

Manpreet Singh

...Petitioner

Versus

Punjab Public Service Commission and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: None for the petitioner.

Mr. Pankaj Mulwani, Deputy Advocate General, Punjab
for the respondents.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the relief of quashing the final list prepared by respondent no.1 for the appointment of Child Development Project Officer. The ground taken is that the candidate who had been selected in the Freedom Fighter category should be included in the general category as she had obtained more marks than the last candidate selected in the general category. Accordingly, direction is sought for redrawing the panel list.

The petitioner thus seeks appointment against the reserved seat of Freedom Fighter on the ground that cut off was 62.10 marks and the Freedom Fighter category candidate had secured 65.50 marks.

In the reply filed on behalf of the State, it has been averred that the petitioner's merit was 53.95 and she secured 88th rank in the merit and the cut off marks for general category candidate was 60.80. One Anurattan Kaur who had also applied under the Freedom Fighter category had secured 12th rank in overall merit and secured 65.50 marks. It is submitted that it is a case of 'horizontal reservation' and therefore principle of shifting for being considered in the general category is not to be applied.

It has further been averred that the last candidate at the bottom of general

category, namely, Ms. Harmeet Kaur, has not been impleaded as party in the present writ petition as her interest would be involved.

Counsel for the State has placed reliance upon the Apex Court judgment in **Public Service Commission, Uttranchal Vs. Mamta Bisht and others 2010(12) SCC 204** to defend the action of the State. In the said case the Apex Court relied upon its earlier judgment in **Rajesh Kumar Daria Vs. Rajasthan Public Service Commission 2007 (4) Service Cases Today 99** to hold that horizontal reservation differs from vertical reservation. Accordingly, the appeal of the Commission was allowed. The judgment of the High Court was set aside wherein the benefit of horizontal reservation had been given by holding that the respondent had secured more marks than the last selected general category candidate belonging to the State of Uttaranchal and being a woman candidate she ought to have been appointed against the vacancy in the general category.

In similar circumstances this Court in **Civil Writ Petition No.5048 of 2011-Jaskaran Singh Vs. State of Punjab and others** decided on 17.3.2016 also rejected the similar plea while placing reliance upon the judgment of the Apex Court in **Anil Kumar Gupta Vs. State of Uttar Pradesh and others 1995(5) SCC 173.**

Accordingly, finding no merit in the present writ petition, the same is dismissed.

March 28, 2016
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(G.S.SANDHAWALIA)
Judge