

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

**CWP No. 11464 of 2013 (O&M)
Date of decision: 11.07.2016**

Sonu

....Petitioner

Versus

Union of India and another

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

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

Present: None for the petitioner.

Mr. Pawan Kumar Longia, Advocate for UOI-respondents.

P.B. Bajanthri, J.(Oral)

In the instant writ petition, the petitioner has sought writ of mandamus to consider petitioner's eligibility for the post of Constable (GD).

In the year 2011, respondents have notified to fill up the post of Constable in CISF, CRPF, BSF and SSB. Petitioner is stated to be one of the candidate for the aforesaid post as is evident from Annexure R1-application form submitted by the petitioner. The respondents have notified one more notification to fill up ITBPF. According to the petitioner he is one of the candidate. However, the same has been disputed by the respondents-recruiting authority stating that the petitioner has not applied for the post of ITBPF-Constable.

In the present petition, petitioner is seeking for writ of mandamus. For seeking mandamus/direction the petitioner has not approached the concerned recruiting authority to consider his candidature with reference to eligibility. He has straightaway approached this Court

seeking writ of mandamus. In the absence of demand by the petitioner before the competent authority, this court has no jurisdiction to issue writ of mandamus directing the respondents to consider grievance of the petitioner.

The respondents have filed their statement of objections while enclosing certain documents. Annexure R-1 is relating to application form filled up by the petitioner. The said application is restricted to recruitment to the post of constable BSF, CISF, CRPF and SSB and not for ITBPF. Petitioner is stated to have applied under OBC category. Perusal of Annexure R1, it is evident that his application for the post is under Category 9 which refers to General category whereas 6 refers to OBC. Therefore, claim of the petitioner for the post of Constable is restricted to CISF, CRPF, BSF and SSB under General category. Perusal of the written statement in para 2, it is stated that under general category the cut off percentage under BSF is 73, CISF is 83, CRPF is 75 and SSB is 70 whereas the petitioner has secured 53 marks. Even under OBC category, the cut off percentage is more than 53 marks. Thus, there is no merit in the petition.

In view of these facts and circumstances, the petitioner has not made out a case so as to seek writ of mandamus.

CWP stands dismissed.

11.07.2016
pooja saini

(P.B.BAJANTHRI)
JUDGE