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

CWP-13011-2015
Date of decision: 18.03.2016.

Jagjit Singh

..... Petitioner

VERSUS

Union of India and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Arvind Kashyap, Advocate for the petitioner.

Mr. R.S. Sihag, Advocate
for respondent No.1.

Mr. Indresh Goel, Advocate
for respondent No.2.

SABINA, J.

Petitioner has filed this petition under Article 226 of Constitution of India seeking a writ in the nature of mandamus directing the respondents to consider his case for appointment in other categories particularly preference D (SSB), where cut off was 35 as has been done in case of other candidates vide order dated 04.02.2015 (Annexure P-4).

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

Petitioner had applied for the post of Constable in pursuance to the advertisement dated 04.03.2011 (Annexure P-1).

Petitioner qualified the written test and was called for physical test

and medical test. Petitioner had filled in his preference qua Border Security Force (BSF). Petitioner was not issued the appointment letter as he had secured 35 marks, whereas the last candidate, who was selected in BSF category had secured 38 marks.

The case of the petitioner is that the petitioner's candidature should have been considered qua other categories/preferences as in category SSB the last candidate who had been selected had secured 35 marks.

Respondent No.2 has placed on record short reply, wherein it has been stated that the petitioner had secured 35 marks in all. Petitioner and the last selected candidate in preference D select list had secured 35 marks. However, the candidate, who was selected was elder to the petitioner. Consequently, to resolve the tie the selected candidate was issued the appointment letter as his date of birth was 17.03.1990, where the date of birth of the petitioner is 12.05.1991.

In view of the reply submitted by the respondents, no ground for further interference by this Court while exercising jurisdiction under Article 226 of Constitution of India is made out.

Petition stands disposed of, accordingly.

March 18, 2016
Ramandeep Singh

(SABINA)
JUDGE