

CWP-16978-2014

Date of Decision: 31.05.2016

Malkiat Singh

....Petitioner

Versus

Union of India and others

.....Respondents

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

Present: Mr. K.P.S. Sandhu, Advocate
for the petitioner.

Mr. Vivek Chauhan, Senior Panel Counsel for UOI with
Mr. Girijesh Kumar Sharma, Assistant Section Officer, SSC.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, the petitioner is seeking direction to the respondents for issuance of appointment letter to him to the post of Constable (GD) in CAPFs and Rifleman in Assam Rifles Examination 2012 as per merit list and payment of all consequential benefits.

The petitioner is one of the candidates for the recruitment to the post of Constable (GD) in CAPFs and Rifleman in Assam Rifles Examination 2012. The respondents initially notified 107 vacancies and it has been classified as 53 posts to UR/General category, 22 posts to OBC category, 32 posts to SC category. Due to administrative reasons, they have reduced the number of vacancies to be filled up from 107 to 19. In so far as Punjab State is concerned, process of recruitment was completed and petitioner's name do not find place in the select list having regard to the marks obtained by him i.e. 52. Hence the petitioner presented this petition seeking for directions.

Learned counsel for the petitioner submitted that he is entitled to seek appointment to the post of Constable (GD) against SC category. Amongst SC selected candidates, who have secured more marks than the cut off percentage than the unreserved last candidate, it is the submission of the petitioner that SC candidate who have secured more marks than the general category (UR) person, more marks of SC category candidate should be adjusted against unreserved general category merit list. If SC candidate is pushed in UR/General Merit list than vacancy under SC category and would arise, the petitioner is entitled for selection and appointment to such vacancy.

On the other hand learned counsel for the respondents submitted that the unreserved category person Sh. Harinder Singh, has secured 65 marks (last UR candidate) whereas the first SC candidate Harjinder Singh has secured 63 marks which is less than the last UR/General merit category person and the last candidate amongst the SC candidates has secured 55 marks. Since the petitioner has secured 52 marks, therefore, rightly petitioner's candidature for the post of Constable (GD) has been rejected.

Having regard to the fact that under unreserved/General category last candidate has secured 65 marks and last candidate amongst the SC category has secured 55 marks and the petitioner has secured 52 marks under SC category, he is not entitled for the relief sought in the present petition.

The petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

May 31, 2016

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