

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

210

CWP-22725 of 2012

DATE OF DECISION: 15.09.2016.

Ikbal

...Petitioner.

Versus

Union of India and others

...Respondents.

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

Present: Mr. Rajeev Anand, Advocate for the petitioner.

Mr. J.S. Lalli, Advocate for respondents No.1 and 3.

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

P.B. BAJANTHRI, J.(Oral)

In the present writ petition, the petitioner has assailed the communication dated 26.09.2012 (Annexure P-11) wherein it is declared that the petitioner is not qualified in the revised list to the post of Constable.

The petitioner is candidate for the recruitment to the post of Constable (GD) in BSF, CISF, CRPF and SSB for the year 2011. He has submitted his application as a resident of Haryana State. The respondent-selecting authority have committed error in considering the petitioner's candidature under Punjab State. Thus, he was subjected to all selection procedure as if the petitioner's claim is under Punjab State. Later on, the selecting authority noticed that the petitioner is a resident of Haryana, his candidature was required to be considered under Haryana State. Thus, after comparing the marks of the last selected candidate under OBC belonging to Haryana State, the petitioner has secured lesser marks than the last candidate's marks. As per selection list, the petitioner has secured 53 marks whereas the last candidate under OBC category in Haryana State in BSF secured 64 marks, in CISF secured 77 marks, in CRPF secured 66 marks

and in SSB secured 64 marks, therefore, the respondents are of the view that the petitioner is lesser merited than the last candidate under OBC category and he has been declared as unqualified.

Learned counsel for the petitioner submitted that due to default of the respondent-selecting authority, the petitioner's candidature was considered under Punjab State. If the marks are compared to the last candidate under OBC category in Punjab State, the petitioner should have been selected. Due to mistake or error committed by the respondents, the petitioner was unnecessarily compelled to file the present writ petition. Going by merit, the petitioner has made out no case, therefore, the writ petition stands dismissed in view of the communication dated 26.09.2012.

Perusal of Annexure P-11 does not disclose complete reasons for disqualification of the petitioner's candidature in the revised list except stating that recruitment of Constable result has been sent at their residence giving full particulars that the petitioner's candidature was inadvertently considered under Punjab State instead of Haryana State. He would not have approached this Court if comparative merit list was made known to the petitioner. Therefore, the respondents have committed error in not furnishing the details for declaring that the petitioner was not qualified. The respondents are liable to pay the cost of Rs.10,000/- to the petitioner within a period of three months. Cost shall be paid by respondent No.2-selecting authority.

(P.B. BAJANTHRI)
JUDGE

15.09.2016.

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Whether Speaking/reasoned	:	Yes
Whether Reportable	:	No