

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

**CWP No.4991 of 2012
Decided on : 03.05.2016**

Jarnail Singh

... Petitioner

Versus

State of Punjab and others

... Respondent

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

Present : Mr. C.M. Munjal, Advocate
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

Mr. Baltej Singh Sidhu, Advocate
for respondent No.5.

G.S. Sandhawal, J. (Oral)

The petitioner challenges the appointment of the private respondents on the ground that he has obtained 29 marks and other persons are also having the same marks, but were given appointment.

The State in its defence has taken the plea regarding issue of the same marks that the younger candidate has to be given the preference as per the policy of the respondent No.2 dated 19.03.2010 (Annexure R-1).

It is not disputed that the said policy has already been upheld by this Court in ***CWP No.1889 of 2012 'Savitoj Singh Vs. State of Punjab and others' decided on 22.05.2013*** on the ground that since the issue pertains to the recruitment of police

constables, a younger person who is more energetic and has better reflexes could respond to the call of the service in a better manner than a candidate older in age.

Accordingly, in view of the said the arguments raised by the counsel for the petitioner cannot be accepted that other similarly situated persons have been given preference.

The second issue regarding the height of respondent No.5 which has been raised by the petitioner is that he is not 5' 11", but he is 5' 8" and, therefore, gradation has to be given in accordance with the actual height.

However, the State in its defence has placed the medical certificate on record (Annexure R-2), wherein it shows that the height of respondent No.5 is 5' 11".

No replication has been filed to controvert the said fact.

In such circumstances, there is no scope for interference in the present writ petition. Accordingly, the same is dismissed.

MAY 03, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE