

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

CWP No. 24124 of 2015

Date of decision: 25.2.2016

Amandeep Singh Sirari & ors.

... Petitioners

Versus

State of Punjab & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K. Malik, Sr. Advocate, with
Mr. Bhupinder Malik, Advocate,
for the petitioners.

Mr. Kamal Sehgal, Addl.A.G., Punjab
for the respondents.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. The mark-sheet brought in sealed cover by the PPSC as directed has been opened by the Court Secretary. Each of the petitioners have secured marks less than the cut-off's in the respective categories of competition in the recruitment process. Mr. Sehgal appearing for the Commission submits that evidently they do not make the grade in the selection lists. The mark-sheet signed by the Secretary PPSC brought in sealed cover is retained on record as Mark 'A'.

2. In view of this turn of events, the writ petition has been rendered infructuous. Mr. Bhupinder Malik, assisting the learned Senior counsel on instructions from his clients makes statement that he craves leave to withdraw this petition with liberty to approach the Court to

challenge the selection on available pleas on law and facts, including propounding the principle that reserved category candidates as have secured higher merit positions than the last general category candidate selected are required to be treated as general candidates by reallocation and the petitioners who are next below the candidates of their category be brought into the zone of consideration.

3. Without expressing any opinion on the merits of the claim on the above proposition, the request is accepted, as it is trite that the petitioners cannot be deprived of their right to litigate on a fresh cause of action when told that they do not make the merit. The petition is dismissed as infructuous with the aforesaid liberty.

(RAJIV NARAIN RAINA)
JUDGE

25.2.2016
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