

221-A

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

**Civil Writ Petition No. 24898 of 2014 (O&M)
Date of Decision: 05.12.2016**

Hinu Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Pardeep Singh Mirpur, Advocate for
for the petitioner.

Mr. Harkesh Manuja, Additional Advocate General, Punjab
for respondent Nos. 1 & 2/State.

JASWANT SINGH, J. (ORAL)

Petitioner-Hinu Kumar belongs to General Category and is also physically handicapped with 40.7% of Orthopaedic Disability. He competed for selection and appointment against seven posts in the Orthopaedically Handicapped (General Category) for the post of Inspector (Grade-B) Food and Supplied Department, published vide Advertisement dated 08.10.2013 (**Annexure P-1**).

The merit list was to be prepared based on the result of the written examination only. The written test comprised of testing the skills of candidates in Language Proficiency, General Knowledge, Mental Ability/Reasoning, Mathematical Skills and Computer Proficiency. There was a negative marking of 0.25 marks for every wrong answer. The maximum marks were 150 and minimum qualifying marks for candidates of all category were stipulated as 35% of the total marks i.e. 52.5. Due to the number of applicants being voluminous, a corrigendum/public notice was issued, whereby

a preliminary test was provided for short listing of candidates equal to five times number of posts in each category for undertaking the final written test, upon which the merit was to be determined. The petitioner undertook the preliminary test on 15.12.2013 and could not qualify for the main examination.

The petitioner by way of the present writ petition had challenged the list of eligible candidates based on shortlisting for undertaking the main written examination. By way of interim order dated 04.12.2014, the petitioner was permitted to provisionally undertake the main written examination.

The petitioner cleared the preliminary examination for short listing, and for main examination in the Physically Handicapped Category of Orthopaedic, the last candidate appointed has secured 72.50 marks out of 150 i.e. 48.33% of marks, whereas the petitioner has secured 71.50 marks i.e. 41.67% of marks and, therefore, does not fall within the zone of appointment.

It is conceded by the counsel for petitioner that as per the result of the main examination, undertaken by the petitioner on provisional basis, he does not fall within the zone of appointment. Hence, the present petition has become infructuous.

In view of above, the present writ petition stands dismissed as infructuous.

December 05, 2016

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes
Whether Reportable	No