

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1334 of 2014 (O&M)

Date of Decision: 07.11.2016

State of Punjab & Anr. ... Appellant(s)

VS.

Simran Sra & Ors. ... Respondents

(2) LPA No.1336 of 2014 (O&M)

Kushaldeep Singh Randhawa ... Appellant(s)

VS.

State of Punjab & Ors. ... Respondents

(3) LPA No.1337 of 2014 (O&M)

Gurkirpal Singh Nagra ... Appellant(s)

VS.

State of Punjab & Ors. ... Respondents

(4) LPA No.1338 of 2014 (O&M)

Jasbir Singh ... Appellant(s)

VS.

State of Punjab & Ors. ... Respondents

(5) LPA No.1339 of 2014 (O&M)

Sukhpreet Singh ... Appellant(s)

VS.

State of Punjab & Ors. ... Respondents

(6) LPA No.1349 of 2014 (O&M)

Ajay Garg & Anr. ... Appellant(s)

VS.

State of Punjab & Ors. ... Respondents

(7) LPA No.1360 of 2014 (O&M)

Ajay Garg & Anr. ... Appellant(s)

VS.

State of Punjab & Ors. ... Respondents

(8) LPA No.1815 of 2014 (O&M)

State of Punjab ... Appellant(s)

VS.

Ravi Mattu & Ors. ... Respondents

(9) LPA No.1816 of 2014 (O&M)

State of Punjab & Anr. ... Appellant(s)

VS.

Karan Mittal & Anr. ... Respondents

(10) LPA No.1817 of 2014 (O&M)

State of Punjab & Anr. ... Appellant(s)

VS.

Amit Soni & Ors. ... Respondents

(11) LPA No.1762 of 2014 (O&M)

State of Punjab & Anr. ... Appellant(s)

VS.

Prateek Singla & Ors. ... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA

1. Whether Speaking?

2. Whether Reportable?

3. Whether Reporters of local papers may be allowed to see the judgment?

4. To be referred to the Reporters or not?

5. Whether the judgment should be reported in the Digest?
- Yes

Yes

Yes

Yes

Yes / No

Present: Mr.Rajesh Bhardwaj, DAG, Punjab.

Mr.Chetan Mittal, Sr.Advocate with
Mr.Mayank Aggarwal, Advocate

for the appellants (in LPA Nos.1349 and 1360 of 2014).

Mr.Puneet Gupta, Advocate
for the appellants (in LPA Nos.1336 to 1339 of 2014).

Mr.Vikram Bali, Advocate
for respondent No.1 (in LPA No.1815 of 2014)

Mr.Amit Soni, respondent No.1 in person
in LPA No.1817 of 2014.

Mr.Vikas Mohan Gupta, Advocate for Thapar University.

Mr.Animesh Sharma, Advocate
for respondents (in LPA No.1338, 1337, 1816, 1339 of 2014).

SURYA KANT, J.

(1) This order shall dispose of the above-captioned Letters Patent Appeals which are directed against the order dated 20.05.2014 whereby the learned Single Judge while deciding a bunch of writ petitions, has declared the action of the Punjab Public Service Commission in applying multiplication factor of '9' for converting CGPA grade into percentage in the case of the candidates who had passed their degrees in Engineering from Thapar University, Patiala, to be erroneous and has held that multiplication factor of '10' is required to be applied. A consequential direction has been issued to re-do the entire exercise and offer appointments accordingly. The selection of respondent No.4&5 in CWP No.9606 of 2012 (now appellants in LPA No.1338 of 2014) has also been set aside on the ground that they had secured marks less than the minimum prescribed in general guidelines issued by the Commission.

Still further direction has been issued that since it is not a case of any malpractice etc. and the mistake in the selection process had occurred due to wrong conversion of CGPA grade into percentage of marks, the State

shall be at liberty to adjust, against available vacancies, such candidates who would be affected due to revision in merit list.

(2) The Letters Patent Appeals have been filed by State of Punjab as well as the selected candidates who had been meanwhile appointed and whose merit position would necessarily be affected as a result of the directions issued by learned Single Judge.

(3) The facts giving rise to this controversy may be briefly noticed.

(4) Punjab Public Service Commission (in short, 'the Commission') published advertisement on 28.12.2010 for recruitment of 70 Sub Divisional Engineers in Public Works Department. These 70 posts were further bifurcated as per the following Wings:-

SDE (Civil)	-	53
SDE (Mechanical)	-	4
SDE (Electrical)	-	13

The essential qualification for all these posts was a Degree in Engineering in Civil/Mechanical/Electrical along with Punjabi upto Matric standard.

(5) The Commission held a screening test on 04.03.2012 for the purpose of short-listing the candidates for interview. Thereafter, the Commission evolved a selection criteria consisting of 100 marks out of which 70% marks were reserved for academic qualifications and 30% for viva voce. The criteria was duly published on the website of the Commission.

(6) After interviewing the short-listed candidates, the Commission released the final merit list on 22.03.2012. The selected candidates were offered appointments and as per the details given by learned State counsel, 48 candidates against 53 posts of SDE (Civil), 4 candidates against 4 posts

of SDE (Mechanical) and 13 candidates against 13 posts of SDE (Electrical) were offered appointments and they joined on such posts on different dates in the year 2012.

(7) Thereafter the Commission issued a second Advertisement No.03 dated 23.05.2012 for recruitment to 15 posts of Sub Divisional Engineers (Civil) in the Irrigation Department, Punjab. Same selection criteria as evolved in respect of first Advertisement No.3 dated 28.12.2010 was applied while making the selection. Fourteen out of 15 selected candidates were offered appointments and they joined as well. Appointment of one candidate Avtar Singh s/o Vishaka Singh has been withheld for the reason of dispute over his B.Tech. Degree.

(8) The Commission also issued a third Advertisement No.08 dated 21.12.2012 for recruitment to 22 posts of Sub Divisional Engineer (Civil) and 3 posts of Sub Divisional Engineer (Electrical) in PWD (B&R) Department. This selection was again finalized by the Commission on the basis of the same criteria as was applied in the case of first Advertisement dated 28.12.2010. The candidates selected pursuant to the third advertisement were also offered appointment in February, 2013 out of whom 19 have joined against 22 posts of SDE (Civil) and 2 have joined against 3 posts of SDE (Electrical).

(9) After the conclusion of at least two, if not all the three selection processes, some of the contesting respondents approached this Court challenging the application of multiplier of '9' by the Commission for conversion of CGPA into percentage in the case of Graduates of Thapar University who had passed their Degree in Engineering upto the year 2012, on the basis of Cumulative Grade Point Average (CGPA) on 09.00 point

scale as that very University, later on started awarding Degrees on 10.00 point scale but since the year 2012 onwards only.

(10) One of such case CWP No.6632 of 2012 (Simran Sra vs. State of Punjab & Ors.) was disposed of on 04.04.2012 with a direction to the Commission to decide the representation said to have been submitted by the aggrieved candidate(s). Pursuant thereto, the Commission rejected the representation and passed the order dated 16.04.2012 (P9) for the following reasons:-

“4. This Commission has adopted the formula of scale 9 (Nine) i.e. the CGPA is multiplied by 9 (Nine) for working out the percentage of academic merit of the candidates for the above said post.

5. This Commission has been following this method for the past many years. Hence, no need/justification was felt to deviate from the past practice in the present selection and the precedence has been duly followed. Moreover, the Union Public Service Commission (which is a parent Organisation for all the State Commissions) also follows the same formula.

6. This formula of Scale 9 (Nine) has been adopted for all the candidates uniformly and no prejudice has been caused to the petitioner or any other candidate. On the other hand the adoption of formula of scale 10 would have caused prejudice to the candidates who have passed/obtained their degrees before 2008. Moreover, the Commission after holding the interviews has sent the

combined merit list of the candidates for the Govt. vide letter No.RG 184/2010/59456 dated 27/3/2012.”

(11) The contesting respondents thereafter filed writ petitions questioning the above-reproduced decision of the Commission. The issue, thus, that arose for the consideration of learned Single Judge was as to whether the Commission rightly applied the multiplier of ‘9’ for conversion of CGPA into percentage or it ought to have applied the multiplier of ‘10’ on uniform basis in respect of all Graduates of Thapar University irrespective of the year they passed their Degrees in Engineering?

(12) In their respective submissions, the parties brought to the notice of learned Single Judge that different Universities were applying different multipliers for conversion of CGPA Grade into percentage. For example, in the case of Thapar University, multiplication factor of ‘9’ used to be applied till the year 2008 (no specific multiplier was applied between 2009 to 2012) and the multiplier of ‘10’ was applied from 2012 onwards; in PEC University of Engineering and Technology, Chandigarh, multiplier was that of ‘10’; in NIT, Jalandhar, it was ‘9.5’; and in PTU, Jalandhar percentage is worked out by adding the marks of all semesters, etc. etc. After noticing these facts, learned Single Judge viewed it as “one of the disturbing features...” as *“unnecessary litigation was generated by the educational institutes/selecting authorities or regulatory bodies”*, for the reason that *“different institutes/universities are providing their own formula”*.

(13) Learned Single Judge thereafter held that *“as far as the issue regarding application of multiplier for conversion of CGPA into percentage is concerned, it would be totally erroneous on the part of the Commission to apply its own formula. It is the stand of the Commission itself that wherever*

a formula was provided in the certificate issued to the candidates by the University, the same was applied. As in the present case, no formula as such was mentioned and prior to 2008 in the certificate issued, multiplication factor 9 used to be mentioned, the same was applied. However, fact remains that the stand of the University is that though upto May 2008, multiplication factor of 9 was being applied for converting CGPA grade into percentage, thereafter, multiplier of 10 is required to be applied, even though it was not mentioned on the certificate. From 2012 onwards, the formula is being mentioned on the certificates. The aforesaid stand of the University is fortified from two certificates issued by it on 30.8.2010 and June, 2010 (Annexures P-9 and P-10 respectively in CWP No. 7090 of 2013).”.

(14) Learned Single Judge has further acknowledged the fact that “no doubt, the University should have mentioned the formula to be applied for conversion of CGPA into percentage, however, still as is evident from the aforesaid certificates, the University must be issuing certificates to all the candidates applying for different posts under different employers. The Education Institute is the only competent authority which can specify as to how CGPA is to be converted into percentage...”.

(15) The other action disapproved by learned Single Judge is that the Commission ought to have applied the condition of minimum qualifying marks for short-listing the candidates as per the Screening Test and no candidate who got less than 45% marks (40% in the case of SC/BC category) should have been short-listed. In this regard, the contention that there was no minimum cut-off marks prescribed in the advertisement was turned down, thereby setting aside the entire selection, as may be seen from the following conclusion drawn by learned Single Judge:-

“Accordingly, I do not find any merit in the contention raised by learned counsel for the State that when there is no clause in the advertisement issued, the minimum cut-off marks, as was prescribed in general guidelines laid down by the Commission, should not be applied. The contention being totally misconceived, is rejected. As respondents No. 4 and 5 had secured 38% and 37% marks, respectively, which were less than 40%, they did not qualify for second round of process of selection, consideration of their candidature and consequently the selection is found to be illegal, hence, set aside.”

(16) Since the selected candidates were not party respondents, learned Single Judge further viewed that if the appointment of such selected candidates is affected, *“the State shall be at liberty to adjust them”* against the available vacancies.

(17) The affected candidates who had been meanwhile appointed as well as the State of Punjab have preferred these Letters Patent Appeals.

(18) We have heard learned counsel for the parties at a considerable length and gone through the record with their able assistance.

(19) Since the whole controversy revolves around the applicability of the multiplier for conversion of CGPA to the percentage of marks in the case of the Graduates of Thapar University, Patiala, it would be useful at the outset to refer to the stand taken by the Thapar University in CWP No.9606 of 2012 in which it was impleaded as respondent No.3. Para 10 of its affidavit reads as follows:-

“That the University till Academic Session, 2008, in order to compare the performance of the students, if converted to the percentage of the marks from CGPA was adopting the multiplication with 9. The relevant provision in this regard as mentioned in the mark sheet issued till December, 2007 is reproduced herein under:-

“In order to compare the students of this Institute vis-à-vis other Universities where percentage of marks are shown in the final result, the following conversion formula will be used for calculating the percentage of marks from CGPA.

Percentage of marks obtained by a student = (9.0 x C.G.P.A.)”

The multiplication factor to convert CGPA into percentage was 9 for those candidates who have passed before May, 2008. From June, 2008 to May, 2012, there was no conversion factor adopted by the University. However, from June, 2012, the multiplication factor considered and fixed by the University in order to convert CGPA into percentage was fixed at 10.”

(emphasis applied)

(20) Again in para 11 of its reply, Thapar University has reiterated:-

“That as the degrees are awarded in the course of Bachelor of Engineer by using Cumulative Grade Point Average system as per curriculum issued by All India Council for Technical Education (AICTE) which is

regulatory body for education in respect of Engineering in India. Institutions/Universities had fixed different method/criteria to be adopted for conversion of CGPA to percentage of marks. Till the year 2008 University adopted the system for conversion of CGPA to percentage by multiplying the CGPA awarded to a student by 9 and thereafter their exist no formula as adopted by the University for conversion CGPA to percentage of the marks. Since the degrees are to be awarded on the basis of CGPA earned by a student in the entire course, therefore, the practice of mentioning the conversion system was abolished.”

(emphasis by us)

(21) It is also pertinent to mention at this stage regarding the decision taken by the Board of Governors of Thapar University in its 103rd Meeting held on 20.10.2012 **“TO CONSIDER THE REQUEST OF PRESIDENT, ALUMNI ASSOCIATION REGARDING CONVERSION FACTOR FOR THE STUDENTS WHO GRADUATED BETWEEN 2008 TO 2011”**. After reference to a brief history, the Board considered the recommendations made by the Senate and approved the same as may be seen from the following:-

“Senate Recommendations:

The Senate discussed and recommended the conversion formula of 10 x CGPA for the students graduated during the period 2008 to 2011 for converting CGPA into percentage to the Board for approval.

Board of Governors Recommendations:

The Board considered and approved the recommendations of Senate to the conversion formula of 10 x CGPA for the students graduated during the period 2008 to 2011 for converting CGPA into percentage.”

(22) It stands crystallized from the sequence of facts that Thapar University used to follow the multiplier of ‘9’ for conversion of CGPA into the percentage of marks till the academic session 2008 but there was no conversion formula prescribed by the University during the period 2008 to 2011. In May, 2012, the University resolved to apply the multiplier of ‘10’ for conversion to the percentage of marks from CGPA. Since the candidates who graduated from the University during 2008 to 2011, namely, ‘no multiplier period’, were facing difficulties, they represented through the Alumni Association and the University accepted their request on the recommendations of the Senate and approved the conversion formula of 10xCGPA for the students graduated during the period 2008 to 2011 for converting CGPA into percentage.

(23) It would be equally apt to consider the viewpoint of the Commission who has uniformly applied the multiplier of ‘9’ for working out the percentage of academic merit of the Graduates of Thapar University. The Commission in its written statement dated 22.08.2012 filed in CWP No.7323 of 2012 has justified its decision for the following reason:-

4. That the formula of scale 9 (Nine) has been adopted for all the candidates uniformly to the candidates who have passed there engineering degree from Thapar University, Patiala and no prejudice has been caused to

the petitioner or any other candidate. On the other hand the adoption of formula of scale 10 (ten) would have caused prejudice to the candidates who have passed/obtained their degree before 2008. The Thapar University, Patiala itself has certified to the candidate that after 2008 the university has prescribed no formula for conversion of percentage which states “no formula for conversion of CGPA to percentage of marks exists in the academic regulations of this University for the students who graduated during or after June-2008 onwards”. The copy of the certificate has already been attached with the writ petition as Annexure P-3, vide which the university has also used the multiple of Nine (9) for working out the percentage.

That most of the universities have issued the detail marks cards by stating the percentage of the candidates in their degree. However, the universities which prescribed no formula for CGPA, the answering respondent adopted the formula of Nine (9) for working out the percentage of the marks uniformly.

(emphasis applied)

(24) The Commission's standpoint is thus that before the year 2012 i.e. till the year 2011, Thapar University either prescribed multiplier of scale '9' or it did not prescribe any such scale at all. It was for this reason that the Commission used the multiplier of '9' for working out percentage on uniform basis and even in the case of other universities where no formula for

conversion of CGPA into percentage of marks was prescribed, the Commission followed the multiplier of '9' only.

(25) Having given our thoughtful consideration to the rival submissions and the respective stand taken by Thapar University and the Commission, it appears that the view taken by learned Single Judge is mostly erroneous as the very foundation of it lies in clubbing of three different selection processes together.

(26) It may be stated at the cost of repetition that the first advertisement was issued on 28.12.2010 and selection pursuant stood finalized on 22.03.2012. As on that date, Board of Governors of Thapar University had not taken their decision dated 12.10.2012 whereby the multiplier of '10' for converting CGPA into percentage was made applicable 'retrospectively' for the students graduated during the period 2008 to 2011. In the absence of such decision, there were two categories of candidates before the Commission who had graduated from Thapar University, namely-

- (i) those who graduated before 2008 with the multiplier of scale '9' for converting CGPA into percentage;
- (ii) those who graduated after the year 2008 and before 17.01.2011 i.e. the last date to submit applications in response to Advt. No.3 dated 28.12.2010, without any multiplier scale prescribed in their mark-sheet.

(27) The Commission was fully justified, in our considered view, in applying the multiplier scale of '9' in the case of candidates falling in category No.(ii) above, by treating them at par with the Graduates of the same University who fell in Category No.(i) as well also keeping in view the uniformity adopted by the Commission in respect of Graduates of other

Universities. Such a recourse by the Commission neither amounted to interference with the ‘academic affairs’ of the University, nor it tinkered with the degrees awarded to the candidates. The decision taken by Thapar University on 20.10.2012 to apply the conversion formula of 10xCGPA by antedating it from the year 2008 onwards was neither here nor there, hence the Commission cannot be accused of deviating from any decision taken by the University. The finding returned by learned Single Judge that the Commission was obligated to apply the conversion formula of ‘10’ instead of ‘9’ irrespective of the selection process is thus palpably wrong and being contrary to the record, the same is set aside.

(28) The Commission as a Constitutional body is well within its rights to evolve a fair, just, uniform and transparent criteria to be applied to all the candidates irrespective of the university from where they graduated. Even if such a criteria puts candidates of one institute to some disadvantage or others to an advantageous condition, it would not be *per se* illegal or erroneous unless the Court, on lifting the veil, finds it grossly arbitrary, irrational, absurd and the one which defies the principle of merit. The observations made by learned Single Judge to the contrary therefore, are liable to be disapproved.

(29) As regard to the directions issued by learned Single Judge that the Commission ought to have applied the condition of ‘minimum qualifying marks’ while short-listing the candidates for the interview on the basis of their performance in the screening test, it would be useful to reproduce an important note (f) of the advertisement which reads as follows:-

“Prescribed Essential Qualifications are minimum and mere possession of the same does not entitle candidates

to be called for interview. Where the number of applications received in response to the advertisement is large and if it will not be convenient or possible for the Commission to interview all the candidates, the Commission may restrict the number of candidates for interview to a reasonable limit on the basis of short listing them by order of their academic merit as per their qualification/higher marks OR by holding a screening test.”

(emphasis applied)

(30) It may be seen that there were no minimum qualifying marks prescribed for the Screening Test which was only meant to short-list the number of candidates to be called for interview. Admittedly, the marks obtained in the screening test were not to be counted for the purpose of determining the final merit. The selection was to be made as per the selection criteria uploaded on the website according to which, 70 marks were reserved for the academic qualifications and 30 for the viva voce. Learned Single Judge has referred to the “Charter of Duties in General” notified by the Commission where it is stated that the Commission has also fixed a standard of merit in Screening Test i.e. 40% marks for SC/BC and 45% marks for others. Such like guidelines, in our considered view, cannot be pressed into service in every selection process unless these are incorporated, expressly or by implication, in the advertisement.

(31) Learned Single Judge ought not to have gone into the legality of short-listing the candidates. The writ-petitioners were admittedly aware of the criteria of short-listing the candidates evolved by the Commission. They

participated in the selection process with open eyes and did not raise any objection at any stage. Even after they could not make it to the selection list in the first process, they remained silent and participated in the second selection process. Some of them were selected and appointed pursuant to the second and third advertisements. It was thereafter that they raked up the issue and that too without impleading the selected candidates as party respondents although they were fully aware that the acceptance of such a plea was likely to result into ousting of some of the candidates from the selection process, who had been meanwhile appointed also. We may usefully cite in this regard (i) *Vijay Kumar Kaul vs. Union of India (2012) 7 SCC 610*; (ii) *Ranjan Kumar & Ors. vs. State of Bihar & Ors. (2014) 16 SCC 187*; (iii) *Madras Institute of Development Studies & Anr. vs. Dr.K.Sivasubramaniyan & Ors. & Ors. (2016) 1 SCC 454*.

(32) In the light of the above discussion, we are of the considered view that since in the selection process originating out of Advt.No.3 dated 28.12.2010, the Commission has followed a uniform criteria for converting CGPA into percentage of marks without impinging upon the academic autonomy of any University and strictly on the basis of the factual and legal statute of the mark sheets/degrees in the hands of the candidates as on the last cut-off date or even at the time of the interview, none of the reasons assigned by learned Single Judge are valid to invalidate the said selection process. The Letters Patent Appeals challenging the selection or re-determination of the merit of the candidates by applying the multiplier of scale '10', are thus allowed and writ petitions challenging the said selection process are hereby dismissed.

(33) Same principles would apply in respect of selection of 15 Sub Divisional Engineers (Civil) in Irrigation Department, Punjab made pursuant to Advt.No.3 dated 23.05.2012, for there was no material alteration in the criteria for the purpose of determining the percentage of marks from CGPA of the Graduates who have acquired their degrees in Engineering under the CGPA pattern.

(34) So far as the third selection process pursuant to Advt.No.08 dated 21.12.2012 in respect of 22 posts of SDE (Civil) and 3 posts of SDE (Electrical) for appointment in PWD (B&R) Department is concerned, if the Commission has converted the percentage of marks of a Graduate of Thapar University who completed his degree after 2008, by applying the multiplier of '9' and such a candidate has either not been selected due to multiplier of '9' instead of '10' or if his overall merit position has been affected, the directions issued by learned Single Judge to re-determine the merit of such candidate can be complied with, provided that such aggrieved candidate has impleaded all those candidates as party respondents who are likely to be affected, if his claim is accepted by this Court.

(35) The record reveals that only two writ petitions i.e. CWP No.7090 of 2013 (Karan Mittal vs. State of Punjab & Ors.) and CWP No.8710 of 2013 (Amit Soni vs. State of Punjab & Ors.) pertained to the third selection process initiated on 21.12.2012. The record further reveals that in the first writ petition, petitioner (Karan Mittal) has impleaded only one selected candidate as respondent No.4 (Gurkirpal Singh Nagra) who is the last successful candidate. Interestingly, the writ-petitioner himself with an aggregate of 69.98 marks has been selected and appointed, yet he has chosen to implead only one selected candidate as respondent even though

the total marks of respondent No.4 are 66.98 marks only. Thus, if the claim of the writ-petitioner (Karan Mittal) is accepted, he is likely to affect the candidates who are higher in merit than him and none of whom has been impleaded as party respondent. His claim is liable to be rejected on this ground alone.

(36) Similarly, in CWP No.8710 of 2013, the writ-petitioner (Amit Soni) has impleaded only one selected candidate i.e. respondent No.3 (Simranjeet Singh). It is averred in para 11 of the writ petition that respondent No.3 is the last selected candidate whose name figured at Sr.No.12 in order of merit whereas writ petitioner was placed at Sr.No.22. The writ petitioner completed his Graduation in Engineering in June, 2010 and as per the averments made in the writ petition, the Commission has awarded him 28.04 marks whereas if the multiplier of '10' were applied, he would have got 31.16 marks under the head of academic qualification. The difference of more than 3 marks means that in the overall merit his total marks would have increased from 59.55 to slightly more than 62.55 or so. It means that he would have been at Sr.No.11 in the overall merit list, namely, immediate above the candidate who got 62.22 marks. The candidate at Sr.No.10 has got 63.14 marks and in this manner, the writ petitioner would have been definitely below him. There are two candidates who got 62.22 marks each who are likely to be affected if his claim is accepted. One of them has already been impleaded as respondent No.3. It therefore appears that the overall merit of the writ-petitioner in this case deserves to be re-determined. The directions issued by learned Single Judge *qua* him would thus be applicable. LPA No.1817 of 2014 arising out of Amit Soni's writ

petition i.e. CWP No.8710 of 2013 consequently has no merit and the same is accordingly dismissed.

(37) Having accepted the claim of Amit Soni – writ petitioner in CWP No.8710 of 2013, we are further of the view that in case as a result of re-shuffle of the merit list, Simranjeet Singh – the last selected candidate is affected, he is entitled to continue in service and shall have to be adjusted against the unfilled post(s) keeping in view the principles laid down by Hon'ble Supreme Court (i) **Vikas Pratap Singh & Ors. vs. State of Chhattisgarh & Ors. (2013) 14 SCC 494**; and (ii) **Rajesh Kumar & Ors. vs. State of Bihar & Ors. (2013) 4 SCC 690**.

(38) For the reasons stated above, the other Letters Patent Appeals bearing Nos.1334, 1336, 1337, 1338, 1339, 1349, 1360, 1815, 1816 & 1762 of 2014 deserves to be allowed as the order passed by learned Single Judge in those cases cannot sustain. It is ordered accordingly. Resultantly, except LPA No.1817 of 2014, all other LPAs are allowed and the order of learned Single Judge in those cases is set aside.

(Surya Kant)
Judge

07.11.2016
vishal shonkar

(Sudip Ahluwalia)
Judge