

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13710 of 1999Date of decision: 30.11.2017

Dalel Singh

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: None for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges the order dated 10.03.1999 (Annexure P-3) passed by respondent No. 3 whereby he challenges the selection of the private respondents on the ground that he has secured more marks than them. It was his grouse that 1800 vacant posts of Constables had been advertised in the Daily News papers on 17.06.1998 and 100 vacancies were ear-marked for District Jhajjar. He had secured 18 marks in the physical efficiency test and 11 marks in interview whereas the private respondents had not been able to pass the physical efficiency test and were not eligible for interview but were called for interview and selected.

He had earlier approached this Court in CWP No. 15248 of 1998 wherein Rule 12.16(16) of the Punjab Police (Haryana Amendment) Rules, 1998 had also been challenged. The said writ petition was disposed of on 01.02.1999 (Annexure P-1) with the observation that the rule stood already upheld in CWP No. 14659 of 1998 Jagpal Singh Vs. State of Haryana and others, decided on 18.11.1998. However, the petitioner was

directed to file representation to the competent authority to see whether the recommendations made by the Board are vitiated or not due to violation of the provisions of the rules. Resultantly, the impugned order has been passed.

A perusal of the order would go on to show that it has been noticed by the respondent that the petitioner has secured 9 marks in the interview and not 11 and there was no material as such furnished as to how he claimed that 11 marks have been granted to him. However, there was no such assertion that his marks in the physical efficiency test have been reduced. He had further contended that some candidates have been given excessive marks in physical efficiency test. It was stated that the criminal case has already been registered against a selected candidate for submitting false/forged certificate. There was allegation that the Selection Board ignored the kacha list while preparing the final list. However, the kacha record of physical test was prepared and data was entered in the relevant register and destroyed thereafter. The plea of the petitioner that the Chairman of the Selection Board was not present was also denied by the fact that the signature of the then SP/Jhajjar was on the relevant record. It is noticed that the petitioner had secured 27 marks in all whereas allegation against candidate bearing registration No. 1638 was not sustainable since he had obtained 5 marks in 800 meters race and secured a total of 29 marks and was selected.

The last successful candidate had secured 29 marks in the general category. The contention of respondent No. 2 was that marks were allotted according to the scales prescribed like timing in the matter of race, length or height in the matter of jumps. The petitioner's name figured at Sr.

No. 156 in the merit list and therefore keeping in view the fact his appeal was dismissed.

The order does not suffer from any illegality as such as no details were specified by the petitioner as to how he claimed that he had got higher marks which were not taken into consideration. Allegations levied to the extent that the members of the selection committee as such had reasons to select private respondents, have not been substantiated by any specific allegations of mala fide. The private respondents No. 7, 9, 10 and 12 have not been served and therefore it is apparent that the petitioner has lost interest in the litigation also as the advertisement in question pertains to the year 1998. Resultantly, there is no ground as such to set aside the order dated 10.03.1999 (Annexure P-3) passed by respondent No. 3.

Petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

30.11.2017
Divyanshi

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No