

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

**Civil Writ Petition No.12802 of 2012
Date of Decision: 28.03.2017**

Gurinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. K.B.Sharma, Advocate for
Mr. D.R.Sharma, Advocate for the petitioner.

Mr. Harkesh Manuja, Additional Advocate General, Punjab
for respondent No.1/State.

Mr. Vikas Chatrath, Advocate for respondent No.2/PSTCL.

JASWANT SINGH, J. (Oral)

The petitioner competed for appointment against 117 posts of Assistant Engineers (Electrical) advertised by the Punjab State Transmission Corporation Limited (PSTCL/respondent No.2) with last date of applying as 05.12.2011. The petitioner applied under the General Category, although he claims to be belonging to the Backward Class Category as well. There is no dispute that he was eligible for consideration as he possesses the prescribed qualification of B.Tech. (Electrical) with more than 60% of marks. The selection process prescribed the determination of merit based on a written test to be conducted, which was of 100 marks and the written test comprises of two parts – 'A' part of general aptitude and the 'B' part of the relevant subject. The weightage of each Part were of 40 marks and 60 marks respectively. The minimum qualifying marks in respect of written test were 50% marks for all categories except the Scheduled Castes Category for which the minimum prescribed qualification was 40% marks.

Learned Counsel for the petitioner submits that the petitioner had

secured 48.75% marks in the written test conducted for selection to the

aforesaid post and the candidates, who had secured marks less than the petitioner belonging to the Backward Class Category, have been called for checking of their documents on 12.07.2012, whereas the petitioner, who also belongs to the Backward Class Category, has not been called. He further submits that the petitioner belongs to the Backward Class Category but he had applied under the General Category as the cut-off marks/minimum qualifying marks were same for both the aforesaid categories i.e. 50% marks in the written test, which was held on 31.03.2012. The respondents have circulated online Provisional Merit List and name of the petitioner was figured at Sr. No.33 with 48.75 marks out of 100 marks.

It is not in dispute that some applicants/candidates belonging to the Backward Class Category approached this Court, praying that they had competed for the aforesaid post and the provisional merit list indicates that only a handful few candidates belonging to the Backward Class Category have been able to secure more than 50% marks in the written examination and, therefore, candidates belonging to the Backward Class Category be also extended the benefit of relaxation of minimum marks criterion as granted to the Scheduled Castes Category. This Court, vide order dated 16.05.2012 (**Annexure P-5**), disposed of the petition bearing CWP No.9140 of 2012, with a direction to the Corporation to treat the writ petition as a representation on behalf of the petitioners and re-consider the eligibility criteria laid down for Backward Class Categories' candidates regarding the requirement of minimum qualifying marks in the written examination.

Learned Counsel for the petitioner further submits that on 07.07.2012, petitioner came to know that the respondents circulated online list (**Annexure P-6 and P-7**) of 08 candidates, belonging to the Backward Class

Category, calling them to report on 12.07.2012 for checking of their documents for the aforesaid post. He further submits that the said eight applicants, having marks between 40% to 45.5%, were called for checking of their documents, while ignoring the petitioner, who is having 48.75% marks.

Upon notice, reply on behalf of the respondents has been filed. In the reply, it is submitted that the petitioner had applied under the General Category and not under the Backward Class Category for the aforesaid post, and also not submitted the required Certificate for the Backward Class. It is also submitted that in compliance of the aforesaid directions dated 16.05.2012, the department has relaxed the minimum required pass marks from 50% to 40% for Backward Class candidates and 08 applicants were called for checking of their documents on 12.07.2012 as they had applied under the Backward Class Category, who have also not been made party in the present petition.

After hearing learned Counsel for the parties, no case for interference is made out as the petitioner, who is stated to be Backward Class candidate, concededly had never applied under the said reserved category along with the requisite Backward Class Certificate rather he had applied under the General Category. Therefore, his claim can only be considered under the General Category for which he has failed to secure the minimum marks laid down for eligibility.

In view of the above, the present writ petition is dismissed.

March 28, 2017

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**(JASWANT SINGH)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>