

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

**214**

**CWP-1735-2014 (O&M)  
Date of decision: 16.02.2017**

Rajesh Kumar

....Petitioner

Versus

The State of Haryana and others

.... Respondents

**CORAM: Hon'ble Mr. Justice P.B. Bajanthri**

Present: Mr. S.K.Yadav, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

**P.B. Bajanthri, J. (Oral)**

In the instant writ petition, the petitioner has questioned the validity of selection and appointment of respondents No.4 and 5 to the post of Constable in the Haryana Police and further sought for a direction to consider the petitioner's candidature for the selection and appointment to the post of Constable.

2. The petitioner and respondents No.4 and 5 are candidates for the recruitment to the post of Constable in the Haryana Police. Learned counsel for the petitioner submitted that petitioner has secured 25 marks whereas respondents No.4 and 5 have secured 24 and 23 marks respectively. Case of the petitioner is that candidature of the petitioner and respondents no.4 and 5 for the post of Constable is under BCA category. Thus, the petitioner contended that even though he has secured more marks

than respondents No.4 and 5 he is entitled for appointment and selection for the post of Constable.

3. On the other hand, learned counsel for the respondents submitted that the petitioner has no locus standi to question the selection and appointment of respondents No.4 and 5 since respondents are candidates under BC-A and ESM category, whereas, the petitioner's claim is only under BC-A category. Thus, it was pointed out from the original application forms of the petitioner and respondents No.4 and 5 that their candidatures are against BC-A category and BC-A & ESM category respectively. Having regard to the merit under BC-A and ESM category, respondents no.4 and 5 have been selected. Whereas, the petitioner has not been selected under BC-A category for the reasons that last candidate who has been selected under BC-A category has secured 27.5 marks whereas, petitioner has secured 25 marks. Therefore, the petitioner has not made out a case so as to seek quashing of appointment of respondents No.4 and 5.

4. Heard learned counsel for the parties.

5. Short question for consideration in the present petition is whether the petitioner has locus standi to question selection and appointment of respondents No.4 and 5 to the post of Constable for the reasons that petitioner's claim for the post of Constable is under BC-A category whereas, respondents No.4 and 5 are in the BC-A and ESM category. Learned counsel for the petitioner pointed out that he has obtained information under RTI. The respondents have furnished the information that respondents No.4 and 5 have been selected and appointed under BC-A

category, thus he has approached this court. If the petitioner has been misled by the respondents, the petitioner is at liberty to file a defamation case against the concerned authority who has furnished the wrong information contrary to the documents and compelled petitioner to file this petition.

6. In view of the above facts and circumstances, the petitioner has not made out a case. CWP stands dismissed.

**16.02.2017**

pooja saini

**( P.B.BAJANTHRI )  
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No