

C.W.P. No. 14435 of 2017

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 14435 of 2017

DATE OF DECISION:07.07.2017

Paramjit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Surinder Garg, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

The present petition has been filed for issuance of a writ in the nature of certiorari for setting aside the action of the respondents, vide which, no seat has been reserved for Scheduled Caste (R&O) Handicapped Category while making recruitment of Punjabi Masters/Mistresses for 1000 posts. A further prayer has also been made to issue directions to the respondents to create the category of Scheduled Caste (R&O) Handicapped and by considering the candidature of the petitioner in the said category, he be appointed as Punjabi Master.

Briefly, the facts of the case are that an advertisement dated 20.11.2015 was issued for recruitment of Punjabi Masters/Mistresses for 1000 posts. Out of total 1000 posts, 500 posts were meant for General Category and remaining 500 posts were reserved for different categories. However, there was no post for the category of Scheduled Caste (R&O)

Handicapped persons.

The petitioner belongs to Scheduled Caste (R&O) category and submitted his application form for the post of Punjabi Master on 25.1.2016. He also appeared in the written test and after qualifying the same, he appeared for scrutiny of the documents on 27.9.2016. Thereafter the final result was declared by the respondents but the name of the petitioner was not there as he secured less marks than the last candidate.

The grievance of the petitioner in the present petition is that he belongs to Scheduled Caste (R&O) category and is also handicapped upto 55% but in the advertisement, no post of Scheduled Caste (R&O) Handicapped Category was reserved, whereas, in other categories i.e. SC Ex-servicemen (R&O), SC Sports Person (R&O), the posts for handicapped persons were kept reserved.

Learned counsel for the petitioner contends that action of the respondents is discriminatory as no post has been kept reserved for Scheduled Caste (R&O) Handicapped Category and is also violative to Articles 14 and 16 of the Constitution of India. Learned counsel further contends that the action of the respondents in not keeping the seats reserved for handicapped persons in the Scheduled Caste (R&O) category is illegal, arbitrary, unjust and the same is liable to be set aside. At the end, learned counsel contends that the petitioner is entitled to be considered for appointment for the post of Punjabi Master in Scheduled Caste (R&O) Handicapped Category.

Heard the arguments advanced by learned counsel for the petitioner and have also gone through the documents available on record.

Undisputedly, an advertisement for recruitment of Punjabi

Masters/Mistresses for 1000 posts was published on 20.11.2015. Out of total 1000 posts, 500 posts were for General Category and remaining 500 posts were for different categories. Details of the posts for different categories, qualification and mode of selection were mentioned in the advertisement. The petitioner has applied and participated in the selection process. Admittedly, he has not challenged the advertisement. On remaining unsuccessful after declaration of the result, he has filed the present petition by raising the only ground that no seat was kept reserved for Scheduled Caste (R&O) Handicapped Category and the petitioner has been deprived of his valuable right of selection. Not only the selection process has been finalized but result has also been declared. The petitioner has approached this Court at a very belated stage i.e. after completion of selection process and declaration of result. He was well aware about the posts belonging to different categories and has also participated in the selection process. When he remained unsuccessful in the selection process, he has approached this Court by way of filing the present writ petition. Neither the petitioner has challenged the advertisement nor has made out any case to show that reservation has wrongly been given to other categories. Neither any objections were given at the time of issuance of the advertisement nor any representation was made.

Similar issue was there before the Gujarat High Court in case of **Kamaljitsinh Dadubhai Sindha Vs. Reserve Bank of India** 2016 LIC 4116, wherein, it has been held that when the petitioner has filed the writ petition at a very belated stage, the candidature of a person, who has participated in the process and was well aware about the qualifying criteria, does not deserve to be entertained and writ petition was held not to be

maintainable and accordingly it was dismissed.

Same view was taken by Hon'ble the Apex Court in the case of **Registrar, University of Cochin Vs. N.S. Kanjoonjamma** (1997) 4 SCC 426, wherein, the candidate who had participated in the selection was estopped to challenge the correctness of the procedure. Same view was taken by Hon'ble the Apex Court in the case of **Om Prakash Shukla Vs. Akhilesh Kumar Shukla and others** 1986 AIR (SC) 1043.

In view of the facts and law position as explained above, I am of the view that when the petitioner has appeared in the selection process without protest and when he remained unsuccessful, he has filed the present petition and as such is not entitled for any relief.

Accordingly, the present petition being devoid of any merit is hereby dismissed.

July 07, 2017
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No