

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18360 of 2016

Date of Decision: 28.02.2017

Surjit Singh

... Petitioner

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jagdish Manchanda, Advocate,
for the petitioner.

Mr. V.K. Kaushal, Advocate,
for respondents No.1 and 3.

Mr. Indresh Goel, Advocate,
for respondents No.2 and 4.

RAJIV NARAIN RAINA, J.(Oral)

1. It is not necessary to go into the long history of the case to examine the case from the narrow angle of whether the petition suffers from the vice of delay and laches for which reason it can be dismissed. Indisputable, the petitioner has been pursuing his remedy firstly; in the Delhi High Court then through a representation made to the respondent authorities invoking territorial jurisdiction within the territory of this Court and then approaching Court through this petition in 2016. It cannot be said that the petitioner has not been pursuing his legal remedy with due diligence, as advised.

2. That apart, the petition has to fail for the further reason that the petitioner has secured 35 marks in the written examination held by the Staff Selection Commission for recruitment to the advertised vacancies/posts of Constable (General Duty) for placement in the Paramilitary Forces by a

combined examination/selection process, while the last selected candidate of domicile of Haryana (State Code-13) in the category of Other Backward Classes has secured 39 marks in Reserved List-2. The figures in Selection List and Reserved Lists were 66 and 59 marks. The petitioner being lower in merit in all the lists could not make it to the final select list and hence can have no legitimate grievance.

3. The Union of India in its written statement has contested the case by explaining the difference between the Selection List, the Reserve List and the Reserve List-2. The written statement has been filed on the last date of hearing on January 25, 2017 and the averments made therein have not been refuted by filing a replication. Therefore, the stand of the Union of India remains unchallenged and is thus reliable and dependable to adjudicate the subject matter. It has been stated in the pleadings that selection being of the year 2011 involving 8 lakh candidates by way of direct recruitment, the record has been weeded out as per rules of business after a gap of five years. Hence, no ground warranting interference is made out for issuing the writs of certiorari or mandamus.

4. Accordingly, the money deposited in the Registry by previous court order will be refunded to the petitioner.

5. There was no interim order secured by the petitioner either from the Delhi High Court which had no territorial jurisdiction or by this Court for preservation of record to await outcome of a case in a direct recruitment of such magnitude where around fifty thousand Constables were selected and appointed in different Paramilitary Forces in India, including CRPF, BSF, ITBP, CISF and SSB through a combined test all of whom

have been deployed in their respective organizations as per merit and preference presently serving in different parts of country for the last about six years. It would be ridiculous I think to even consider entering legal province of reasoning to try to inject the petitioner in Central Govt. service of one of the paramilitary forces by a writ of mandamus.

6. In view of the above factual position, I refuse to exercise extraordinary writ jurisdiction in this case as no substantial injustice has been done to the petitioner which requires the respondents to make amends. The petitioner has failed to make the grade on merit of selection. Moreover, the criteria has not been challenged to show its arbitrariness and if applied would not result in selecting the best talent.

7. Accordingly, the petition is found devoid of merit and stands dismissed by this order without costs.

(RAJIV NARAIN RAINA)
JUDGE

28.02.2017
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Whether speaking/reasoned *Yes*

Whether reportable *No*