

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

115

**CWP No.15352 of 2017 (O&M)
Date of Decision: July 19, 2017**

Harpreet Kaur and others

....Petitioners

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. D.S. Randhawa, Advocate
for the petitioners.

Mr. Avinit Avasthi, AAG, Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioners belong to the Scheduled Caste Category. The Subordinate Service Selection Board, State of Punjab, issued Advertisement dated 30.12.2015, inviting applications for recruitment to the post of Steno Typist and Junior Scale Stenographers. Petitioners applied for the posts in question and participated in the stenography test. In terms of Clause 12 of the advertisement, the selection procedure was as per merit prepared on the basis of stenography test of the candidates.

In other words, the merit had to be drawn on the basis of number of mistakes committed in the stenography test. Lesser the number of mistakes, higher in order of merit would be the candidate.

The precise case set up on behalf of the petitioner is that a

number of candidates belonging to the Scheduled Caste Category have committed lesser mistakes than the candidates belonging to the General Category and as such, have secured a higher merit in the stenography test and accordingly, by applying the principle of “vertical reservation”, such candidates of the Scheduled Caste Category on the basis of a higher merit, have to be considered against the General Category. To substantiate such assertion, the instance of one Resham Singh S/o Shiv Charn, who has been selected and appointed as the last candidate in the General Category at Sr. No.301, has been cited and it is contended that a number of candidates including the petitioners herein belonging to the Scheduled Caste Category, had committed lesser mistakes in the stenography test and thereby, had secured higher merit.

Counsel contends that if candidates belonging to the Scheduled Caste Category on the basis of a higher merit are adjusted against the General Category, the present petitioners would stand a chance to be appointed to the posts in question.

Counsel even adverts to an order dated 16.02.2016, passed by a Co-ordinate Bench in CWP No.3155 of 2016 in which identical grievance was raised even though in relation to a different selection process and while disposing of the writ petition, directions were issued to the respondent-authorities to decide the representation of the petitioners therein.

Counsel submits that the petitioners herein have submitted a detailed representation dated 14.02.2017 at Annexure P-

4 and which has not been decided till date.

Without making any observation on merits, I deem it appropriate to dispose of the instant petition with a direction to respondent No.2/Competent Authority to examine the grievance of the petitioners in the light of the representation dated 14.02.2017 (Annexure P-4) and to take a final decision thereupon expeditiously and in any case within a period of four weeks from today.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

19.07.2017
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**