

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

**107**

**CWP No.18099 of 2017**

**Date of decision: 24.08.2017**

Vikash

....Petitioner

Versus

State of Haryana & another

...Respondents

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

Present: Mr.Sandeep Verma, Advocate, for the petitioner.

**G.S. SANDHAWALIA, J. (Oral)**

Petitioner has approached this Court under Article 226 of the Constitution of India, seeking quashing of the action of respondent No.2-Commission, for not calling the petitioner for training and to consider his claim for selection to the post of Male Constable under the BC-B category, as per advertisement No.8/2015 dated 19.07.2015.

The grouse of the petitioner is that he has not been given the benefit of higher qualification for which 2 marks were prescribed by the Selection Committee, inspite of the fact that he has the Bachelor of Arts Degree dated 15.07.2014 (Annexure P-3), which was prior to the cut-off date of 06.10.2015.

The petitioner had applied for the said post and had got 15 marks in the physical screening test, 32.40 marks in the written test and 11 marks in the physical measurement test. In the interview, he was awarded 3 marks, but for the higher qualifications, no marks have been awarded and resultantly, a total of 61.40 marks has been given to him, as per Annexure P-16. Reference has been made to the notice issued by the Commission dated 17.07.2017 (Annexure P-15), wherein it has been shown that for the BC-B category, the final cut-off marks was 61.90 and therefore, the petitioner is just short of being selected, only on account of the fact that the marks for higher qualifications have not been granted. It is, thus, the case of the petitioner that even if one mark is granted, he

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would make the cut and be in the list of successful candidates.

Counsel submits that a representation dated 20.07.2017 (Annexure P-17) has also been filed, on account of the fact that the details were made public, which is after the declaration of the result but the respondents have not acted upon the same and petitioner's right of employment has been adversely affected.

Notice of motion.

Ms.Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondents. Copy of the paperbook has been supplied to her.

Accordingly, without commenting upon the merits of the case, direction is issued to respondent No.2 to take necessary action on the representation of the petitioner dated 20.07.2017 (Annexure P-17), within a period of 4 weeks from the receipt of the certified copy of this order. It is made clear that if all the vacancies in the BC-B category have been filled and the benefit of higher qualifications is to be granted to the petitioner and any candidate is to be displaced, the Commission shall issue necessary notice to the said candidate, before withdrawing the said benefit. In case the petitioner is not to be granted the benefit, reasoned order be passed and the same be communicated to him.

24.08.2017  
*Sailesh*

**(G.S. SANDHAWALIA)**  
**JUDGE**

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

*Whether Reportable:*                              *Yes/No*