

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

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CWP No.18128 of 2017 (O&M)

Date of Decision: September 05, 2017

Kulwinder Singh

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. R.S. Rangpuri, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner is aggrieved of his non-selection and denial of appointment to the post of Chakki Attendant against the SC Category.

Counsel submits that advertisement dated 30.12.2015 at Annexure P-5, was issued by the Subordinate Selection Board, State of Punjab, inviting applications for recruitment to various posts including four posts of Chakki Attendant. Two were to be filled up from the General Category and the other two from the Scheduled Castes Category.

Petitioner is stated to be belonging to the SC (M&B) Category and submitted his application in response to the advertisement at Annexure P-5. As per selection criteria, the marks secured in a skill test, to be conducted, were the determining factor for preparation of the final merit list. A skill test

was conducted on 27.12.2016 at Patiala. The communication dated 14.06.2017 (Annexure P-7) was issued and a total of 13 candidates were called for counselling and out of which, six were from the Scheduled Castes Category including the petitioner. In the final merit list issued by the respondent-authorities at Annexure P-8 petitioner has been shown to have secured 4.5 marks in the skill test and as such, is not within the zone of consideration for appointment for the post in question against the Scheduled Castes Category.

The instant writ petition had come up for preliminary hearing on 17.08.2017. At that stage, the sole contention raised by Mr. R.S. Rangpuri, counsel representing the petitioner, was that in the list of candidates invited to participate in the counselling process at Annexure P-7, insofar as the General Category candidates are concerned, the same were reflected in order of merit, whereas, for the Scheduled Castes Category, the same sequence has not been adopted. Counsel had contended that such discrepancy itself was sufficient to infer an irregularity in the selection process qua the Scheduled Castes candidates.

While issuing notice of motion, learned State counsel had been directed to produce the original record pertaining to the skill test conducted on 27.12.2016 in respect of post of Chakki Attendant.

During the course of resumed hearing today, Mr. Avinit

Avasthi, AAG, Punjab, on instructions from Shri Sucha Singh, Superintendent, Subordinate Services Selection Board, Punjab, has produced the original record and the same has been perused. The record would clearly reflect that a skill test was conducted on 27.12.2016. The name of the present petitioner figures at S.No.119 in the category of Scheduled Castes (M&B) and he has been assigned 4.5 marks. It is a complete list that has been furnished including the names of such candidates who had absented from the skill test and that would in itself justify that the petitioner's name figured at S.No.119.

This Court from the original record has even verified the marks secured by the other candidates which find a mention in the list placed on record at Annexure P-7. Such list is of the General Category as also of the Scheduled Castes Category candidates.

The original record reveals that the names of the candidates at Sr. Nos.1 to 7 in the list at Annexure P-7, have been drawn out in the order of merit.

Insofar as, the candidates at Sr. Nos.8 to 13 are concerned and which counsel had contended, were not in order of merit and thereby, inferring irregularity, the record reveals otherwise. Candidates at Sr. Nos.8, 9 & 10 belong to the Scheduled Castes (M&B) Category and which are also in order of merit. To clarify, at Sr. No.8 is Ravinder Singh S/o Ajmer Singh and who has secured 7 marks, at Sr. No.9 is the present petitioner who also

belongs to Scheduled Castes (M&B) Category and has secured 4.5 marks. The third candidate of Scheduled Castes (M&B) Category is Jagdev Singh S/o Narinjan Singh at Sr. No.10 and who has secured four marks. Likewise, the candidates at Sr. Nos.11, 12 & 13 in the list at Annexure P-7, belong to the Scheduled Castes (R&O) Category and their names are also in order of merit as per marks secured in the skill test conducted on 27.12.2016.

In view of the facts noticed hereinabove and the list at Annexure P-7, conforming to the original record produced by learned State counsel, sole contention that has been raised by the counsel is found to be totally misplaced.

There is no merit in the petition and the same is dismissed.

The original record after perusal, has been returned to Mr. Avinit Avasthi, AAG, Punjab.

(TEJINDER SINGH DHINDSA)
JUDGE

05.09.2017
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**