

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

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CWP No.25222 of 2014 (O&M)

Date of Decision: August 18, 2017

Jaswant Kaur

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Jagdeep Jaswal, Advocate
for the petitioner.

Mr. Sukhbir Singh, AAG, Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking the issuance of a writ in the nature of certiorari for quashing and setting aside the final merit list (Annexures P-2 & P-3) qua selection of private respondents No.4 to 8, to the post of Supervisor under the SC-Ex-Servicemen Category under the Department of Social Security and Women & Child Development, State of Punjab.

Counsel for the petitioner submits that the petitioner had submitted her application for the post in question and had claimed reservation under the Scheduled Castes Category as also under the SC-Ex-Servicemen Category. Counsel concedes that insofar as the SC Category is concerned, the petitioner could not achieve the

requisite bench mark in terms of merit determined, but the respondent-authorities have acted arbitrarily inasmuch as under the Sub Category of SC-ex-servicemen, candidates lower in merits i.e. private respondents, have been selected and appointed.

In response to the petition, a stand has been taken on behalf of the State that the petitioner had applied for the SC Category but not for the SC-ex-servicemen Category. Since the stand taken on behalf of the State, was being disputed by counsel representing the petitioner, on the last date of hearing i.e. 03.05.2017, this Court had directed the original record pertaining to the application form of the petitioner to be made available.

During the course of hearing today, learned State counsel, on instructions from Mr. Jugraj Singh, Junior Assistant, Directorate Social Security and Women & Child Development, Punjab, has produced the original application form that had been submitted by the petitioner for the post of Supervisor. Such original application form has been perused and which would clearly substantiate the stand taken on behalf of the State. Petitioner in the application form has applied under the SC Category. However, she did not tick at the appropriate place in the form to claim reservation for SC-ex-servicemen Category. The original application form has even been shown to the counsel as also the petitioner, who was present in the Court.

Since the original record itself reflects that the petitioner had not even applied against the SC-ex-servicemen Category, she

cannot be permitted to raise any claim for appointment against such reserved category.

Writ petition is accordingly dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

18.08.2017
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**