

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-24301-2017 (O&M)

Date of Decision:-27.10.2017.

Sh. Sudaghar Singh and others

.....Petitioners

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Bhim Sen Sehgal, Advocate for the petitioners.

P.B. BAJANTHRI, J. (Oral)

Petitioners are candidate for recruitment to the post of Constable (GD) in CAPFs, NIA and SSF and Rifleman (GD) in the Assam Rifles Examination, 2015 pursuant to the notice dated 24.1.2015 (Annexure P-10). After certain process of selection, respondents noticed that petitioner do not fulfill the clause 21 of Annexure P-10 (notice/advertisement) to the extent that he is not ordinarily domiciled in the State of Jammu & Kashmir during the period from 1.1.1980 to 31.12.1989. Therefore, petitioner's candidature has been rejected on 25.8.2017 vide Annexure P-12. Hence, the present petition.

Learned counsel for the petitioner submitted that Clause 21 of Annexure P-10 dated 24.1.2015 is to be read as members of the family and not the candidates. It was further submitted that with the similarly date of birth on par with the petitioner one Sh. Lakshman Singh, candidature has

been entertained by the respondents vide Annexure P-13. Therefore, petitioner is entitled for the relief sought in the present petition.

Heard learned counsel for the petitioner.

Short question for consideration in the present petition is that for the purpose of eligibility of the petitioner, clause 21 of the advertisement dated 24.1.2015 is relevant. Undisputedly, petitioner was not domiciled in the State of Jammu & Kashmir during the period from 1.1.1980 to 31.12.1989. Therefore, petitioner has not made out a case. That apart he has not challenged the validity of clause 21 so as to extend benefit beyond 31.12.1989. Insofar as discrimination between the petitioner and one Sh. Lakshman Singh vide Annexure P-13 is concerned, if the respondents have committed an error in maintaining Sh. Lakshman Singh's candidature that does not give any right to the petitioner to entertain his candidature illegally.

Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

October 27, 2017.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.