

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

CWP No. 94 of 2014 (O&M)
Date of decision: 9.2.2017

Harpreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vishal Sodhi, Advocate,
the petitioner.

Mr. Avinit Avasthi, DAG, Punjab.

JAISHREE THAKUR, J.

1. The petitioner applied for appointment as Constable for Punjab police in the recruitment process initiated in year 2009. He appeared in the written test and having passed the said examination was called for physical test and interview. The final list of selected candidates was prepared and published in the newspaper dated 20.12.2009, however, the name of the petitioner was not reflected therein. The petitioner compared the result of the written examination and the list of the final selected candidates and found that 4 candidates with role No. 8212, 44549, 44632, and 69112 were not reflected in the written examination result list published on 17.10.2009. Fearing that bogus and illegal appointments had been made to accommodate candidates who had not participated in the selection process, the petitioner sought information under the Right to Information Act about the number of marks that he had obtained in the written as well as in the interview from the

Department. However, the said information was not furnished to him. The petitioner thereafter approached the Department by way of representation dated 30.4.2010 and brought to the notice of the respondents about the favour extended to respondents No. 4 to 7 holding numbers 8212, 44549, 44632 and 69112. As no action was taken thereon, the petitioner preferred a writ petition before this court which was disposed of by order dated 11.11.2011 directing the respondents to decide the representation of the petitioner within 3 months. The representation of the petitioner was rejected and aggrieved against the said order the instant writ petition has been filed.

2. Mr Vishal Sodhi, learned counsel appearing on behalf of petitioner contends that private respondents No. 4 to 7 with role No. 8212, 44549, 44632 and 69112 did not appear in the written examination as their role numbers were not reflected in the list of candidates who had cleared the written examination. It is argued that if they had not cleared the written examination there would be no occasion for offering appointment to them.

3 Per contra, Mr. Avinit Avasthi, learned counsel appearing for the respondent State submits that the private respondents had appeared in the examination held on 11.10.2009 and had secured sufficient marks to be considered for appointment. It is also contended that the petitioner was lower in merit, having secured less marks in the general category and as such was not offered appointment.

4 I have heard the counsel for the parties and have perused the record of the case.

5 The petitioner appeared for the recruitment process that was initiated in 2009 for recruitment of Constables in Punjab Police Force. The

petitioner belongs to the general category and did not secure necessary marks to be appointed as a Constable in the recruitment process that was held. A challenge was made that respondents No. 4 to 7 did not participate in the written examination but have been brought on the select list and offered appointment. The record of the case has been summoned and the State counsel produced in court the answer sheets of the private respondents. Therefore, the contention raised that the private respondents did not undertake the written examination is without any basis. Moreover, it is brought to the notice of this court that the petitioner belonging to the general category had secured 84 marks which was lower than the last person offered appointment in the general category. All the private respondents belong either to ex-service category or to the reserved category, therefore, the petitioner in any case would not be in a position to challenge their appointment on the ground that they had lesser marks than him.

6 Therefore, in view of the above, it is held that the petitioner belonging to general category did not have enough marks in his category to be offered appointment. The petitioner in any case would be not in a position to challenge the appointment as given to the private respondents, who belong to the reserved category/ex-servicemen category.

7. The above noted writ petition being devoid of any merit is dismissed.

9.2.2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No