

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

CWP No.7910 of 2016 (O&M)

Date of Decision : 17th July, 2017

Davinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. D.S.Patwalia, Senior Advocate
with Mr. Bikramjit Singh Patwalia, Advocate
for the petitioner.

Mr. Manoj Bajaj, Addl. A.G., Punjab.

Ms. Radhika Suri, Senior Panel Counsel
for the respondent(s)-High Court.

MAHESH GROVER, J. (Oral)

The petitioner was an applicant for the post of Civil Judge. An advertisement dated 19.01.2015 was published vide which the respondent intended to fill up 118 posts of PCS Judicial Officers out of which 12 posts were reserved for Backward Class Category to which the petitioner belonged.

The cut of marks for securing selection was 472.5 as against 472 marks, as obtained by the petitioner.

Out of the total posts, 12 posts were intended for backward category, four were filled up while eight remained vacant. The petitioner made representations to the respondents urging them to look into his grievance as he perceived one of his answers in English paper to be correct but marked wrong by the examiner to disentitle him to the credit.

Eventually the answer was ordered to be looked into under the directions of

this Court dated 17.04.2017. The Selection Committee has accepted the claim of the petitioner as correct to entitle him to the credit of two marks which puts him in the bracket of successful candidates. Since he makes a grade now, he would also be entitled to appointment which would relate to the selection which he participating.

Consequently, we accept the instant writ petition and direct that the petitioner be given his due by offering him the appointment, which, as observed earlier, would relate to the very same selection in which he has participated alongwith consequential benefits such as seniority on the basis of merit etc. in terms of the Rule. He would, however, not be entitled to any mandatory benefits as he has not discharged any functions. It has brought to the notice of this Court that eight posts which were left vacant have since been re-advertised and the selection of the candidates is under process. The respondent-High Court is directed to restrict the process to 07 posts by bringing out a corrigendum to apprise the general public in this regard.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

17th July, 2017
mamta-M

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No