

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

**CWP No. 4003 of 2017
Date of Decision: 28.04.2017**

Sunil Kumar

...Petitioner

Versus

Union of India & others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jai Singh Yadav, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The petitioner herein has filed the instant writ petition for issuance of a writ in the nature of Mandamus to direct the respondents to fix the seniority from the date on which the candidates, who were lower in merit to the petitioner in selection process of 2010-2011, have joined services as Sub Inspector in ITBP Force, as the petitioner has also participated in the selection process, however, not selected.

In brief, the facts are that the petitioner herein appeared in the recruitment process initiated to fill up the posts of Sub Inspectors in CPOs through the Staff Selection Commission. The petitioner appeared in the examination held on 12.12.2010 and the result was declared in January, 2011. A letter was issued calling the petitioner to qualify the Physical Endurance Test and Medical Examination which the petitioner cleared. As per the final result, the marks secured by the last candidate of the OBC category was 193.75 in BSF, 195.25 in

CRPF, 206.75 in ITBP and 195.75 in SSB. The petitioner, though belonging to OBC category, was rejected despite having 214 marks. Against the rejection of his candidature, the petitioner requested for redressal of his grievance, however, no action was taken by the respondents. Subsequently, in the year 2012-13, another advertisement was issued to fill up the posts of Sub Inspectors in CPOs through Staff Selection Commission and the petitioner remained successful in the selection process and has joined services in ITBP on 13.06.2013. By way of present writ petition, the petitioner is claiming seniority to be fixed from the date on which the candidates, who were lower in merit in the selection process of 2010-11, had been given their seniority on the ground that he was higher in merit in the selection process initiated in 2010.

I have heard learned counsel for the parties and found that the writ petition is devoid of any merit and is liable to be dismissed.

The petitioner might have obtained necessary marks to have been appointed in the OBC category pursuant to the selection process initiated in the year 2010. He ought to have raised his grievance at that point of time itself and approached this Court in writ jurisdiction to allege that persons, having lower merit than him, have been issued appointment letters. Having kept silent at that point of time, the petitioner cannot be allowed to raise the grouse at this belated stage. Admittedly, persons have joined and have gained seniority over and above the petitioner. Moreover, while filing the instant writ petition, the petitioner has chosen not to implead the selected

candidates of 2010-11 selection who would be directly effected in case the relief sought by the petitioner is allowed by this Court.

Therefore, in view of the above discussion, this Court is not inclined to interfere in the matter and the instant writ petition is dismissed.

April 28, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No