

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**Review Application No. 286 of 2013
with C.M. No. 12827 of 2013 in
CWP No. 8800 of 2012**

Date of decision: 17.03.2017

Parminder Singh Kalra

...PETITIONER

VERSUS

State of Punjab and others

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Surjeet Singh Chaudhary, Deputy Advocate General,
Punjab, for the applicant/respondents.**

**Mr. Lakhwinder, Advocate,
for Mr. P.S.Dhaliwal, Advocate,
for the non-applicant/petitioner.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No. 12827 of 2013

**C.M. is allowed subject to just exceptions. Annexures R-2 to
R-3 are taken on record.**

Review Application No. 286 of 2013

**Prayer is for review of the order dated 30.04.2013 passed by
this Court in CWP No. 8800 of 2012 titled as Parminder Singh Kalra vs.
State of Punjab and others on the ground that the criteria, which has been
reproduced by the petitioner in the writ petition qua the marks to be granted
for the height of the candidate, was incorrect and the benefit granted to the
petitioner on that basis is not sustainable.**

dated 29.09.2011 (Annexure R-2/T) was issued for the Recruitment of Male and Female Constables District Police Cadre of Punjab Police, according to which, a male candidate with height between 5'10" and 5'11", was entitled to 13 marks whereas the petitioner had mentioned it to be 14 marks, which was accepted by this Court. By granting the petitioner 14 marks for height, he scored a total of 29 marks, which were higher than 28.75 marks, which were obtained by the last selected candidate, thus, entitling him for selection.

Learned Deputy Advocate General, Punjab, for the applicant/review petitioner submits that the additional one mark, which has been granted by this Court while passing the order dated 30.04.2013, is based upon the criteria, which is not applicable to the selection process. Petitioner had applied for and participated in the selection process in pursuance to the advertisement dated 29.09.2011. The petitioner having the height of 5'10 ³/₄" would be entitled to only 13 marks as per the criteria advertised on 29.09.2011. The marks, which have been assigned to the non-applicant/petitioner in the impugned order dated 10.03.2012 (Annexure P-10) passed by respondent No. 3, were as per the criteria and, therefore, did not call for enhancement, as has been granted by this Court.

Notice of the review application was issued to the non-applicant/petitioner but he had chosen not to file any reply to the application despite he being given various opportunities by this Court, first of which was on 22.11.2013 and thereafter on 18.03.2014, 11.11.2014, 26.05.2015 and 04.04.2016 when last opportunity to file reply to the review application was granted. On 25.05.2016 and then on 09.11.2016, the case was adjourned at the request of the counsel for the non-applicant/petitioner. On

24.01.2017, the following order was passed:-

“ Despite last opportunity having been granted to the counsel for the non-applicant/petitioner to file reply on 04.04.2016, no reply has been filed. None is present on behalf of the non-applicant/petitioner.

In the interest of justice, adjourned to 17.02.2017.

It is made clear that in case the counsel for the non-applicant/petitioner does not put in appearance on the next date of hearing, the review application will be heard and decided in his absence.

The order as passed by this Court be conveyed to the counsel for the non-applicant/petitioner.”

The non-applicant/petitioner still has not filed any reply to the review application.

In view of the above factual position, the averments made in the review application especially with reference to the advertisement dated 29.09.2011 (Annexure R-2/T), which invited applications from male and female candidates for filling up 3726 male and 2000 female Constables in District Police Cadre of Punjab Police, cannot be said to be not correct. In the said advertisement, as per the criteria laid down, especially with regard to the height of the male candidates, a person with height between 5'10” and above up to 5'11” was entitled to 13 marks whereas a candidate with 5'11” and above was entitled to 14 marks.

Admittedly, the non-applicant/petitioner possesses a height of 5'10 ³/₄ ", which would entitle him to 13 marks as per the criteria laid down.

Since he was entitled to 13 marks as per the criteria advertised by the

respondents, in pursuance of which, the non-applicant/petitioner had applied and his candidature was considered, the rejection of the claim of the petitioner, as per the directions issued by this Court in CWP No. 1246 of 2010 vide order dated 10.03.2012 (Annexure P-10), passed by the Senior Superintendent of Police, Fazilka cannot be said to be illegal. The marks, as have been assigned to the petitioner as per the criteria laid down, entitle him to 28 marks, which are less than the marks obtained by the last selected candidate, who had obtained total marks of 28.75. The petitioner, therefore, would not make the merit and, therefore, his claim has been rightly rejected.

In view of the above, the review application is allowed. The writ petition preferred by the non-applicant/petitioner stands dismissed by upholding the order dated 10.03.2012 (Annexure P-10) passed by the Senior Superintendent of Police, Fazilka.

March 17, 2017

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No