

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

CWP No.14590 of 2014 (O&M)

Date of decision: 12.10.2018

Surinder Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Kuldip Singh Chaudhary, Advocate
for the petitioner(s).

Mr. Vikas Mohan Gupta, Addl. A.G. Punjab.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner seeks quashing of final merit list (Annexure P-8) of successful candidates for the posts of clerk prepared by respondent No.2.

Learned counsel for the petitioner states that the case of the petitioner is squarely covered by the ratio of law laid down by this Court in CWP-12618 of 2014 titled as **Parminder Singh and others** Vs. **State of Punjab and others**, decided on 15.12.2017 (Annexure P-9) and in CWP-25733 of 2016 titled as **Navneet Kaur** Vs. **State of Punjab and others**, decided on 22.03.2018 (Annexure P-10).

Learned State counsel though is unable to controvert the submissions made on behalf of the petitioner, however, he states that the decision passed in Parminder Singh's case (supra) has been assailed by

way of filing LPA No.816 of 2018 before Division Bench of this Court.

Heard.

In **Parminder Singh's** case (supra), this Court observed as under:-

*“The impugned select list having been prepared in utter disregard of the settled position of law in the subject, this Court ordinarily would have directed the entire select list to be recast. However, in the peculiar facts and circumstances of the case, directions are issued to recast the select list but only pertaining to one reserved category i.e. the Backward Class Category in the light of the observations made in this judgement and by following the dictum laid down by the Hon'ble Apex Court in **R.K. Sabharwal and Jitendra Kumar Singh** (supra). Further directed that the benefit of such exercise is not to extend to all B.C category candidates but would be confined only qua the petitioners in these bunch of petitions.*

Such view is being taken for the reason that it is only the present petitioners belonging to the B.C category who have agitated the issue. Any direction to recast the entire select list would entail a large number of selected and appointed candidates belonging to the General Category including the private respondents being ousted. Concededly, private respondents herein have not secured their appointment by playing any fraud or having misrepresented. They have now been working against the post in question over a period of three long years. Benefit of this judgement, as such, is being confined to the petitioners herein so as to leave some scope for adjustment of the selected and appointed General Category candidates.

The exercise as directed by this Court be completed within a period of two months from the date of receipt of a certified copy of this judgement. The consequential appointment in favour of the petitioners would relate back to the date when other candidates belonging to the B.C Category in pursuance to the same very

recruitment process had been so appointed. However, actual arrears of salary for the period wold not be paid.

Such of the petitioners, who would secure appointment by virtue of recasting of the select list as directed, are held entitled to costs of Rs.25,000/- each on account of this unwarranted and unnecessary litigation forced upon them and they being compelled to approach the Court to vindicate their vested and fundamental rights.

Petitions are allowed in the aforesaid terms.”

Keeping in view the fact that the petitioner has secured 52.95% marks in Backward Class category whereas the last candidate appointed in the general category has secured 47.54% marks and in view of the fact that the identical controversy has been settled by this Court, vide Annexures P-9 and P-10 and no order with regard to stay has been passed in LPA-816-2018, pending adjudication before Hon'ble Division Bench, the instant petition is allowed in terms of **Parminder Singh's** and **Navneet Kaur's** case (supra). The respondents are directed to release the necessary consequential relief in favour of the petitioner as has been given in **Parminder Singh's** and **Navneet Kaur's** case within a period of three months from the date of receipt of a certified copy of this order. .

12.10.2018

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No