

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

**CWP-18824-2015 (O&M)
Date of decision : 04.09.2018**

Rakesh Kumar

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Petitioner in person.

Mr. Anil Sharma, Advocate,
for the respondents.

JITENDRA CHAUHAN, J.

The petitioner, *inter alia*, seeks issuance of a writ in the nature of Certiorari for quashing the combined merit list of Ex Servicemen and Lenial Descendent of Ex Servicemen prepared by the respondents in pursuance of advertisement dated 27.08.2014 (Annexure P-5).

It is contended that the petitioner applied for the post of Inspector Grade-II, against Ex-Servicemen/Lenial Descendent of Ex Servicemen quota (General category). Despite the fact that the in advertisement (Annexure P-1) itself, it has been provided that Lenial Descendants of Ex-servicemen would be recruited only where an Ex-serviceman is not available, the petitioner himself being an Ex-serviceman, has been ignored. It is further the grouse of the petitioner that one common merit list for both Ex-servicemen and Lenial Descendants of Ex-servicemen

was prepared and published on the website, which is against the Rules.

On the other hand, learned counsel for the respondents submits that the petitioner failed to get the minimum prescribed marks in the qualifying test conducted for the purpose. Further states that though no separate merit list viz-a-viz was Lenial Descendent of Ex Servicemen was prepared, however, the candidates at Sr. No.1 to 27 in the merit list belonged to Ex-servicemen (self) and the remaining from Sr. No.28 to 199 was that of Lenial Descendent of Ex Servicemen.

Heard.

As per advertisement (Annexure P-5), no candidate shall be considered to have qualified the competitive examination unless he/she obtains at least 45% marks (40% for the candidates belonging to the SC/ST categories). It is not in dispute that the petitioner secured 33% marks in the qualifying test, i.e. less than the minimum prescribed marks, therefore, has rightly been held ineligible for consideration for appointment to the post in question. Once, there is express condition in the advertisement prescribing the criteria to be adopted while making the public appointments and the petitioner clearly having failed to meet the said requirements, he cannot claim selection to the post advertised.

Dismissed.

04.09.2018
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No