

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

**CWP-23648-2013 (O&M)
Date of decision : 01.11.2018**

Jaskanwar Preet Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. H.C. Arora, Advocate,
for the petitioner.

Ms. Bhawna Gupta, DAG, Punjab.

Mr. Aayush Gupta, Advocate,
for respondent No.4.

JITENDRA CHAUHAN, J.

By way of the instant writ petition, the petitioner has laid challenge to order dated 19.09.2013 (Annexure P-9), rejecting the representation submitted by the petitioner for appointing him as Junior Engineer (Electrical) against the vacant post of 'Backward Class Ex-servicemen' category.

The sole contention of learned counsel for the petitioner is that with a view to accommodate some candidate in the general category, respondent No.4 has been illegally shifted from select list of “general category ex-servicemen” to “BC Ex-servicemen” category.

On the other hand, learned State counsel submits that after duly observing the procedure laid down, 07 posts reserved for Backward Class

were filled in as per advertisement (Annexure P-1). The petitioner did not lay challenge to the Ex-servicemen (Backward Class) certificate submitted by respondent No.4, therefore, there is no ground for seeking to quash impugned order dated 19.09.2013 (Annexure P-9).

Learned counsel for respondent No.4 submits that in the advertisement (Annexure P-1), 07 posts were reserved for the candidates belonging to Backward Class. Out of these seven posts, one post was further kept reserved for Ex-servicemen Backward Class. As the respondent faced certain difficulty while filling in online form, he could not apply against the category of Ex-servicemen Backward Class and instated, applied only against the Ex-servicemen. However, he along with one Supreet Kaur made a representation before the competent authority for considering their candidature against Ex-servicemen Backward Class, which was accepted.

Heard.

There is no dispute with regard to the fact that respondent No.4 is an Ex-servicemen and belongs to the Backward Class Category. However, due to some problem in the system, he could not apply against the said category while filling in the online form. Instead, he applied against Ex-servicemen category but subsequently, he represented before the competent authority for correction in the category. The competent authority, after considering all the factual aspects of the matter, allowed the said correction. The mistake committed by respondent No.4 while filling in the online form and subsequent correction thereof by the competent authority does not smack of any mala fide. Therefore, the selection of

respondent No.4 cannot be said to be bad in any manner. Further, once the post stands consumed by respondent No.4 in the category in question, the claim of the petitioner is not admissible.

In view of the above discussion, this Court is of the considered opinion that the instant petition is devoid of any merit and the same is, hereby, dismissed.

01.11.2018
atulsethi

(JITENDRA CHAUHAN)
JUDGE

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