

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

CWP No.25733 of 2016.

Date of Decision: 22.03.2018.

Navneet Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Anil Kumar Lamdharia, Advocate,
for the petitioner.

Ms. Sudeepti Sharma, Addl. AG, Punjab.

JITENDRA CHAUHAN.J.

This Civil Writ Petition has been filed under Article 226 of the Constitution of India for quashing of selection list dated 26.06.2014 (Annexure P-3) issued by respondent No.3.

The petitioner also seeks issuance of a writ in the nature of mandamus for directing the respondents to prepare a fresh selection list by considering all the meritorious candidates of the reserved category who have secured more marks than the last selected candidate of the general category.

It is not out of place to mention here that the issue canvassed in the present writ petition as to whether a Backward Class category candidate, who has applied for a post in a process of direct recruitment exercising his option as a reserved category candidate, can also be considered against an unreserved vacancy, if, he/she is higher in the merit than the last selected candidate in the General Category,

stands already decided by a Coordinate Bench of this Court in CWP No.12618 of 2014, decided on 15.12.2017, titled as '***Parminder Singh and others Vs. State of Punjab and others***' with clarification which reads as under:-

“Benefit of this judgment, 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 present writ petition had been filed on 09.12.2016. When ***Parminder Singh's case(supra)*** was decided, the present writ petition was pending adjudication before this Court. On 14.12.2016 this Court had passed the following order:-

“It is contended that in the similar writ petition bearing CWP No.12618 of 2014 involving identical issues, this Court has already issued notice and listed for 08.02.2017.

Notice of motion for 08.02.2017.”

However, the present writ petition could not be taken up along with CWP No.12618 of 2014 and remained pending adjudication.

On 13.03.2018, this Court passed the following order:-

“Learned State counsel, on instructions, states that the last candidate appointed in the category of the petitioner had secured 41.45 marks whereas, the petitioner had secured 46.41 marks. Learned State counsel is directed to seek instructions whether in the

face of the admitted position the State is inclined to issue appointment letter in favour of the petitioner. Post again on 22.03.2018.”

Taking into consideration the fact that the petitioner has secured 46.41 marks and the last candidate appointed in the category of the petitioner has secured 41.45 marks and the fact that the present writ petition was filed on 09.12.2016 whereas, ***Parminder Singh's case (supra)*** was decided on 15.12.2017 and at the time of decision in ***Parminder Singh's case (supra)***, the present writ petition was pending adjudication before this Court, the Courts feels that the judgment rendered by the Coordinate Bench in ***Parminder Singh's case (supra)*** would be applicable to this case also and the petitioner in the present case would be entitled to all the benefits granted in ***Parminder Singh's case (supra)***.

In view of above, the present writ petition is allowed and the respondents are directed to pass on all the necessary consequential relief to the petitioner as has been given in **Parminder Singh's case (supra)**.

22.03.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No