

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

**Civil Writ Petition No. 25092 of 2018 (O&M)
Date of Decision: 31.10.2018**

Ramandeep Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jatinderpal Singh, Advocate
for the petitioner.

Mrs. Sudeepti Sharma, Additional Advocate General, Punjab
for the respondents/State and **assisted by**
Ms. Jasleen Kaur Sandhu, Secretary, Punjab Public Service
Commission, Patiala.

JASWANT SINGH, J. (ORAL)

Petitioner (*Ramandeep Kaur*) belongs to the General Category, as also the Physically Handicapped Category, possessing a Disability Certificate (**Annexure P-9**), showing 45% (forty-five *per cent*) Locomotor Disability. She being fully eligible applied for recruitment to the Punjab Civil Services (Executive Branch) and Other Allied Services through the process of undertaking the Punjab State Civil Services Combined Competitive Examination, 2018, pursuant to the Advertisement No. 04 dated 21.03.2018 (**Annexure P-1**), against the sixty-seven (67) posts of various services existing in the State of Punjab. The process of selection comprises of first undertaking the preliminary examination for shortlisting of thirteen (13) times the number of advertised vacancies in each category of posts, and thereafter for determination of merit, the shortlisted candidates are required to undertake the main examination plus interview.

No posts for the reserved Category of Physically Handicapped in any of the service was advertised, therefore, the petitioner applied only under the General Category.

Preliminary written test was held on 22.07.2018, and the result was declared on 07.09.2018. The petitioner is shown to have secured 255 marks in the General Category, whereas the last candidate shortlisted in the General Category is shown to have secured 292 marks, therefore, the petitioner is ineligible to take part in further process of selection.

It transpires that after issue of the advertisement on 21.03.2018 **(P-1)**, the Punjab Public Service Commission (PPSC), Patiala, had issued an Addendum dated 06.06.2018 **(Annexure P-6)**, whereby five (05) more posts were added to the three (03) posts of *Tehsildars* already advertised on 21.03.2018, including one (01) post, now reserved for the Physically Handicapped Category. It is conceded that the addition was only for the Physically Handicapped Category.

Grievance of the petitioner is that the wordings of the Addendum dated 06.06.2018 **(P-6)** created a confusion in the minds of the candidates, including the petitioner, so as to assume that no fresh application was required to be submitted by the candidates, who had already applied and had also disclosed their status of being Physically Handicapped Category, while availing the benefit towards concession of fees.

It is submitted that the last shortlisted candidate in the Physically Handicapped Category has secured 177 marks, while the petitioner, who has secured 255 marks, has been left out from the list of shortlisted candidates in the Physically Handicapped Category for the

On the other hand, learned State Counsel has argued that in response to the addendum, twenty-five (25) candidates had applied through fresh applications, including the five (05), who had applied earlier and were similarly situated like the petitioner. She further submits that even at the issue of admit cards, showing the category as general, no grievance was made, and therefore, at this stage, no change of category can be permitted.

After having heard arguments of the counsel for parties and scrutinized record of the case, this Court finds that the claim of the petitioner deserves to be accepted.

The facts are not in dispute and the question is only with regard to the interpretation and understanding of the wordings of the relevant Clause-3 of the Addendum dated 06.06.2018 **(P-6)**, which reads as under:-

“ 3. The additional candidates who are willing to apply for the ibid examination, can apply by filling Online Application Form as under, a link of which is available on the website of the Punjab Public Service Commission www.ppsc.gov.in. The link is open with immediate effect.

<i>Last date for Filling Online Application Form</i>	<i>13/06/2018 till 11:59 PM</i>
<i>Last date for depositing the Application fees by system generated Fee Challan Form</i>	<i>15/06/2018 [during Banking Hours] ”</i>

It is not in dispute that the petitioner and other eligible candidates had applied pursuant to the Advertisement dated 21.03.2018 **(P-1)** of sixty-seven (67) posts, excluding any post reserved for the Category of Physically Handicapped. It is also not in dispute that with the addendum, while increasing the number of posts of *Tehsildars*, there was an addition of only a new Category of Physically Handicapped persons. It is also not in dispute that the PPSC had a list of the 210 physically handicapped

candidates, including the name of the petitioner, who were undertaking the preliminary examination in their Base category, i.e. General Category or Scheduled Caste or Backward Class etc.

A bare reading of the aforesaid Clause-3 of the Addendum dated 06.06.2018 **(P-6)** reveals that only the additional candidates, who were willing to apply for the aforesaid examination, i.e. the Punjab State Civil Services Combined Competitive Examination, 2018, were permitted to apply by 13.06.2018. It is also a matter of record that twenty (20) additional candidates, i.e., who had not applied earlier, applied for undertaking the examination pursuant to the aforesaid addendum. It is also conceded that out of the 210 identified candidates, who had earlier applied, also belonging to the Physically Handicapped Category, only five (05) got their categories changed. Thus the irresistible and inevitable conclusion from the factual position narrated above and a bare reading of the aforesaid reproduced lines is that the candidates, who had applied earlier, were rightly misled on the principle of normal prudence, by not applying again for being considered under the Physically Handicapped Category.

The position existing today is that against the one (01) post of *Tehsildar* under Physically Handicapped Category, thirteen (13) candidates have already been shortlisted, and to a pointed query, Ms. Jasleen Kaur Sandhu, Secretary, PPSC, submits that there are around ten (10) candidates, including the petitioner, who could not get their categories changed, have secured more than marks than 177 marks, secured by the last shortlisted candidate in the Physically Handicapped Category.

Revising the shortlisted list at this stage, might cause another spurt of litigation on behalf of ousted candidates upon recasting of the list,

thereby upsetting the schedule of the examination provided by statutory rules, therefore, it is deemed expedient, in the interest of justice, to direct the PPSC to consider all those candidates, who have secured more than 177 marks to be considered as shortlisted candidates in addition to the earlier list for undertaking the main examination, since the merit is to be determined only on the basis of the result of the main examination plus subsequent interview. **Ordered accordingly.**

The Secretary, Punjab Public Service Commission, Patiala, assures the Court to do the needful.

Petition is “**Allowed**” in the above terms.

October 31, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>