

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

Date of decision-26.07.2018

(I) CWP-5934-2016

Amandeep Kaur and others ...Petitioners

Vs.

State of Punjab and others ...Respondents

(II) CWP-9844-2016

Paramjeet Kaur and another ...Petitioners

Vs.

State of Punjab and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gaurav Sharma, Advocate,
for Mr. Pawan Kumar, Advocate,
for the petitioners in CWP-5934-2016.

Mr. Harkirat Sandhu, Advocate,
for the petitioners in CWP-9844-2016.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by DSP Jaspal Singh, HC Darshan Singh
and HC Gurpyar Singh.

JITENDRA CHAUHAN, J.

The above noticed two writ petitions are being disposed of by this single judgment as common questions of law and facts are involved therein.

Learned counsel for the petitioners submit that the petitioners

are the beneficiaries of order dated 04.11.2015 (Annexure P-4), vide which the respondents were directed to consider the claim of the petitioners for appointment as per the initial criteria, which was advertised on 3.10.2011. However, while considering their case for appointment, they have been wrongly left out vide impugned order dated 28.12.2015 (Annexure P-5). It is submitted that the petitioners are the candidates who had failed to clear the first test and had been held entitled for the benefit of relaxed criteria. However, while implementing order dated 04.11.2015 and while calculating the marks, the merit list was drawn in accordance with the initial criteria prescribed for the first test, which the petitioners had admittedly not cleared. It is further submitted that the earlier writ petitions No.4332 of 2012 and No.7044 of 2012 filed by the petitioners were disposed of on an undertaking given by the respondents that the claim of the petitioners will be considered in terms of the judgment rendered by this Court in CWP-773-2012, decided on 31.01.2013 (Annexure P-3), whereby, the respondents were required to calculate the marks of the petitioners in terms of the Punjab Standing Order No.3 of 2010 as has been done in the case of other similarly situated candidates.

On the other hand, learned State counsel submits that the merit of the petitioners has been fixed in accordance with Standing Order No.3 of 2010, as amended up to date. No candidate, lower in merit than that of the petitioners, has been issued appointment letter. The case of the petitioners is distinguishable vis-a-vis. the petitioners in CWP-773-2012 as the latter had qualified the physical efficiency test in accordance with the physical

standards laid down originally in the advertisement.

Heard.

From the perusal of the record, it emerges that the marks were to be awarded to the candidates in accordance with the provisions of Standing Order No.3/2010, which was amended vide Memo No.12306-12/E-1(4) dated 09.09.2010 (Annexure R-1), wherein, marks and parameters for height, educational qualifications and interview were changed. The grouse of the petitioners is that the petitioners have been awarded marks as per the amended Standing Order, whereas, they ought to have been considered in view of the original Standing Order, as was in force on the date of advertisement. However, the contention of the petitioners deserves rejection on the ground that they were unable to qualify the physical standards test which was conducted as per the original criteria. Once the petitioners failed to qualify the physical standards test initially, they cannot take the benefit of the initial Standing Order. In CWP-773 of 2012, this Court directed the respondents *“to consider the claim of the petitioners for appointment as per the initial criteria which was advertised on 03.10.2011, and if the petitioners make the grade, as per the said criteria, out of the candidates who had cleared the second stage, as per the then fixed criteria, appointment letters be issued to them within a period of one month. It goes without saying that the petitioners shall also be entitled to all consequential benefits, except for the financial benefits.”*

Thus, it is clear that CWP No.773 of 2012 had been filed by the petitioners who had qualified the physical standards test as per original

criteria as against the case of the petitioners, who failed to qualify the physical standard. The petitioners, therefore, cannot derive any benefit out of the judgment passed in CWP No.773 of 2012. The petitioners have been awarded marks correctly after applying the parameters laid down in the amended Standing Order and accordingly merit was fixed.

In view of the above discussion, the instant petitions being devoid of any merit, are hereby dismissed.

A photocopy of this order be placed on the connected file.

(JITENDRA CHAUHAN)
JUDGE

26.07.2018
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No