

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

CWP 8299/2018

Date of decision: 16.05.2018.

Ranbir Singh

.....Petitioner

v.

State of Punjab and others

.....Respondent

Coram: Hon'ble Mr. Justice Jaswant Singh

Present:- Mr. Liaqat Ali, Advocate for the petitioner
Mr. Manoj Bajaj, Addl. AG Punjab with
Ms. Amneet Kondal, IPS AIG, Personnel-II, CPO

Jaswant Singh, J., (Oral).

Petitioner was an aspirant for the appointment as a Sub Inspector in District Cadre against 4 vacancies advertised under the ESM SC(M&B) Category pursuant to the advertisement Annexure P-1. Upon finalization of the selection process the petitioner secured 52 marks. He claims that one vacancy remained unconsumed and therefore, he being first in the waiting list was legally entitled to be appointed whereas respondents have illegally diverted that vacancy to be filled up from the category of SC (M&B) and offered the same to one Amrinder Singh Sidhu, in spite of the candidates in the waiting list available in the category of ESM SC (R&O).

Upon notice, a reply on behalf of State has been filed.

In compliance of the directions dated 27.4.2018, Ms. Amneet Kondal, IPS, AIG, Personnel-II, CPO Punjab is present in Court. It is explained that no doubt petitioner has secured 52 marks but there are four candidates in his ESM SC(R&O) category who have secured 52 marks,

namely Swaran Singh, Davinder Singh, Nirmal Singh and Ranbir Singh (petitioner). However, their inter se seniority has been fixed on the basis of date of birth and the petitioner being the youngest has been placed at Sr.No.6 of the Merit List against the four vacancies in their category. Thus, the first two, who have secured 52 marks, have been placed at Merit No.3 and 4 and Nirmal Singh and Ranbir Singh have been placed at Sr.No.1 and 2 of the Waiting List. It is next averred that all the four vacancies of the said category were consumed by the first four persons placed in the merit i.e. Beant Singh, Gursewak Singh, Swaran Singh and Davinder Singh. Thus, there was no question of diverting any post from the category of ESM SC(R&O). It is explained that Amrinder Singh Sidhu belongs to separate cadre of SC(M&B) and was at no.1 in the waiting list and was offered appointment against unfilled vacancy in his category which has no relevance to the vacancies unfilled in the present category.

In view of the above, no ground for interference is made out.

Dismissed.

16.05.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No