

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

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CWP-17199-2019

Date of Decision: July 01, 2019

Rajbir Kaur

... Petitioner

vs.

State of Punjab and Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Joginder Pal Devgan, Advocate, for the petitioner.

ARUN MONGA, J.(ORAL)

Inter alia contends that the petitioner applied for the post of Auxillary Nurse Midwifery (ANM) Female in the general category pursuant to advertisement dated 27.05.2018 (Annexure P-2). The petitioner, who is stated to have cleared the written examination having obtained 72 marks as against prescribed cut off marks of 68, followed by the 7 marks obtained in Skill test, has not been considered to be eligible for appointment.

2. The primary ground of the petitioner to challenge her ineligibility, despite having obtained a total of 79 marks, is that the respondents have allowed the reserved category candidates in the general category on the ground that they had obtained more marks than the marks obtained by the last candidate in the general category. It is contended that once a candidate had opted for reserved category then he/she cannot be considered for general category even if marks secured by the reserved category candidate are more than the marks obtained by the last candidate selected in the general category.

3. The said argument of learned counsel for the petitioner lacks merit as it is established position in law that a candidate of reserved category automatically gets the benefit of general category in case he secures more marks than the last candidate in the merit list in the general category.

4. In the premise, the writ petition lacks any merit and is, accordingly, dismissed. No order as to costs.

July 01, 2019

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(ARUN MONGA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No