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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14043-2015

Date of Decision: March 19, 2019

Arif Husain

... Petitioner

vs.

Union of India and Ors.

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rajeev Anand, Advocate
for the petitioner.

Mr. Parminder Singh Kanwar, Advocate
for respondent-UOI.

ARUN MONGA, J

The present writ petition has been filed, *inter alia*, for issuance of a writ in the nature of *certiorari* to quash the letter dated 24.03.2015 (Annexure P6), whereby, the result for selection of the candidates to the post of Constable was declared. In the merit list, respondent No.5-Deepak Kumar has been shown at serial No. 35, but the petitioner's name does not figure in it. The petitioner states that respondent no.5 had secured lesser marks than him and yet he has been selected, whereas, the petitioner has not been selected.

2. The short controversy raised by the petitioner is that persons less meritorious than him have been selected for the post of Constable in category of Washerman by negating the claim of the petitioner

3. In the written statement filed by the respondents No. 1 to 4, it is admitted that the petitioner, though stood first in merit list in the general category, obtaining 43 marks, but could not find place in the merit list because of less marks in the written examination in comparison to respondent No.5-

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Deepak Kumar (whom the petitioner alleges to be less meritorious), who though belongs to S.C. Category and had obtained more marks in the written examination i.e. 44 marks.

4. Since, the petitioner had obtained only 43 marks in the written test, therefore, respondent No.4 stole a march over him to be considered in general category instead of S.C.Category. The said factual assertions of the respondents are not disputed by learned counsel for the petitioner. It is a well settled law that if a person belonging to the reserved category, scores better marks than the candidate of a general category, then he automatically steals a march over the general category candidate and is to be deeminglly considered in general category and not in the reserved category.

5. In view thereof, I find no ground to interfere in the selection as impugned by the petitioner in the present writ petition. The petition is, accordingly, dismissed.

March 19, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No