

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

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**CWP No. 10403 of 2017 (O&M)
Date of Decision : 29.11.2019**

Gurmail Singh

... Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. L.S.Sidhu, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

SUVIR SEHGAL, J.

The petitioner has filed the instant writ petition seeking quashing of provisional merit list (Annexures P-7 and P-8) for recruitment of Male Constables in the District Police Cadre and Armed Police Cadre 2016 for the category of Ex-serviceman (SC)(M&B) prepared on the basis of advertisement No.1 of 2016.

In pursuance to advertisement No.1 of 2016 dated 31.05.2016 (Annexure P-1), the petitioner applied for the post of Constable in the District Police Cadre as well as Armed Police Cadre. The petitioner claims that he is an Ex-serviceman and belongs to Ex-serviceman SC (Majbi Sikh) category and he applied for the post of Constable in the Ex-serviceman SC category. He further claims that there were three categories of Ex-serviceman in the online application form viz. Ex-serviceman-General, Ex-serviceman-SC and Ex-serviceman-BC. There

was no separate category for Ex-serviceman-SC (M&B). He further claims that he had secured 22 marks on the basis of testimonials uploaded by him with his application form. He alleges that when the provisional merit list was uploaded, persons, who had secured lesser marks than him, had been shown in the merit list of recruitment of Male Constables.

Notice of the writ petition was issued to respondents No.1 and 2 only. In response, they filed their reply by way of an affidavit in which it was deposed that selection list had been prepared in accordance with the procedure spelled out Standing Order 1 of 2016 as amended from time to time. They further submitted that on the basis of the SC certificate annexed by the petitioner with the writ petition, his result was revised and as per revised merit list dated 20.05.2017 his position is as under:-

<i>" Roll No.</i>	<i>6518281</i>
<i>Regd. No.</i>	<i>404576345</i>
<i>Category</i>	<i>Ex-Serviceman SC</i>
<i>(Now being corrected as Ex-Servicemen SC (M&B)</i>	
<i>Date of birth</i>	<i>15.03.1969</i>
<i>Marks of Height</i>	<i>5' 7.5" = 10</i>
<i>Marks of Educational Qualification</i>	<i>55.2% =12</i>
<i>i.e. 10th Class</i>	
 <i>Total Marks</i>	 <i>22"</i>

It has been further deposed that the petitioner had applied only in the District Police Cadre and the cut off marks in the Ex-serviceman SC (R&O) category was 25 marks and the cut off bench mark of age in terms of date of birth was 15.12.1970.

From the stand taken by the respondents in their reply, it is

apparent that the petitioner had obtained 22 marks. His name was considered against Ex-serviceman SC (R&O) category and he was three marks below the cut off for District Police Cadre in the SC (R&O) category. Further on the basis of the Scheduled Caste Certificate uploaded by him, his category status was corrected by the respondents and he was considered in the Ex-serviceman SC (M&B) category. In the said category, the cut off marks in the District Police Cadre was 23 and the cut off age in terms of date of birth was 16.04.1979. Once again, the petitioner was one mark below the cut off marks.

In view of the above position, since the petitioner has failed to make the cut off and his result has been duly revised on the basis of the certificate attached by him with the writ petition, there is no merit in the writ petition and the same is hereby dismissed.

29.11.2019

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No