

**Sr. No. 221
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.15890 of 2014 (O&M)

Date of Decision: 08.03.2019

Govind

... Petitioner

Versus

Union of India and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. N.K.Vadehra, Advocate,
for the petitioner.

Mr. Ankur Sharma, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

Present writ petition has been filed, *inter alia*, for issuance of a writ in the nature of mandamus directing the respondents to treat the petitioner on equal footing with the other candidates who have been appointed in Border Security Force (BSF).

2. Succinctly, factual background is that the petitioner had undertaken a joint examination for appointment as 'Constable' (G.D.) conducted by Staff Selection Commission for appointment in BSF, CISF, CRPF, SSB, ITBP and Assam Rifles. Petitioner had given his option for appointment in CISF. In the examination, he secured 56 marks.

3. Learned counsel for the petitioner states that pursuant to the same, merit list was issued on 17.10.2012 which revealed

that some of the persons who had applied CISF (Code-B) have been adjusted in BSF (code A).

4. The grievance of the petitioner is that his case was not considered for selection in BSF (Code-A) as has been done in the case of certain other candidates. Relevant extract of the merit list is reproduced hereinbelow:-

Record	Roll	Name	Gender	Cat1	Cat 2	DOB	Part A	Total
4303	1401006873	Amandeep	2	6		10.05.91	10	48
4438	1401014580	Sonu	2	6		02.04.89	17	50
7248	140253572	Ravinder Singh	2	6		17.01.1993	16	45

State	Board	Distt. Milt	Nax. Post	Pref. Med	Res. Rejprob
28	26			B	Fit
28	26			BC	Fit
28	26			B	Fit

5. The relevant portion of the list of Male candidates recommended for appointment in Roll Number Order is reproduced hereinbelow:-

Record	Roll	Name	Cat 1	Cat 2	Post Prefi	State	Board-Dis
7	1401006873	Amandeep	6		B	28	26
8	1401014580	Sonu	6		BC	28	26
18	1402535722	Ravinder Singh	6		B	28	26

Milt-Nax	Vacancy-TY	Catsel	Alloc-Pref	Capf	Rank	Rejprov
	B	6	A	BSF	RL2/151	
	B	6	A	BSF	RL2/90	
	B	6	A	BSF	RL2/217	

6. The above mentioned lists show that the persons, who

have applied under category code B are appointed for category code A i.e. B.S.F. The marks obtained by them are less than the marks obtained by the petitioner. The list of the marks of petitioner is reproduced hereinbelow:-

Record	Roll	Name	Gender	Cat 1	Cat 2	DOB	Part A	Total
5951	1402033389	Govind	2	1		23.03.93	19	56

State	Board	Dist	Milt-Nax	Post-Pref	Med-Res	Rejprob
28	26			B	Fit	

7. Feeling aggrieved by this arbitrariness and the discrimination by the respondents, the present writ petition has been filed.

8. In the reply filed by the respondents, it is stated that candidates who were given the benefit of switching of option from one category to the other those who were selected in BSF instead of CISF were from OBC against vacancies available for OBC. Last selected candidate from SC had secured 63 marks. Petitioner is from SC category. He got 56 marks. There was no vacancy for SC category for Punjab in Reserve List-2. Hence his name was not included.

9. Having gone through the pleadings and having heard the rival contentions of the learned counsel for the parties, I am of the view that, the denial to the petitioner, who is from SC, of switching of his category from CISF to BSF, as has been done for the other candidates from OBC, is discriminating and in violation of Articles 14 read with 16 of the Constitution of India.

10. In view thereof, the present writ petition is disposed of

with a direction to the respondents to consider the case of the petitioner for switching of his option from CISF to any other category, in accordance with law and, accordingly, consider him for appointment, if found qualified and eligible, according to the merit.

11. Disposed of accordingly.

08.03.2019

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No