

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Writ Petition No. 28278 of 2018(O&M)
Date of Decision : 10.09.2019

Mandeep Singh

... Petitioner

versus

State of Punjab & Anr.

... Respondents

CORAM:-HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner.

ARUN MONGA, J(ORAL)

CWP-13078-CWP-2019

Prayer in the application is for taking up the main case for hearing which was adjourned *sine die* on 25.02.2019.

For the reasons stated in the application, the same is allowed.

The main case is taken up on Board today itself.

Civil Writ Petition No. 28278 of 2018

1. Grievance of the petitioner herein is that despite having secured 28 marks in the selection process to the post of Constable under Backward Class category, he has not been accorded the benefit of his merit and has been wrongly rejected for the said post. Quashing of order dated 19.06.2018(Annexure P-7) has been sought, which was passed pursuant to directions of this Court while disposing of an earlier writ petition bearing CWP No. 10432 of 2018, on the ground that while another candidate, who had secured 28 marks has been offered the appointment, while the petitioner who has also secured 28 marks has been rejected.
2. I have heard learned counsel for the petitioner and on perusal of the writ petition as well as impugned order, I am of the view that no interference is called for in exercise of extra writ jurisdiction vested under Article 226 of the

Constitution of India. Specific reasons have been given that although petitioner scored 28 marks, but as per the Standing Order No.1 of 2016, in the event of two candidates having scored equal marks, then one senior in age shall be put higher in merit. The petitioner being junior in age, due to his date of birth being 04.10.1997, the other candidate who had scored equal marks i.e. 28 was given the benefit of age since he was born on 09.08.1994. The said selection criteria/ Standing Order has not been challenged by the petitioner herein. The petitioner has, therefore, been rightly placed in merit below the candidate senior in age and found less meritorious, as per applicable conditions of recruitment. The writ petition being devoid of merit, is dismissed.

10.09.2019

Jiten

- 1. Whether speaking/ reasoned:
- 2. Whether reportable:

(ARUN MONGA)
JUDGE

Yes/ No

Yes/ No