

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.3396 of 2017 (O&M)
Date of decision: April 11, 2019

Hardeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Amandeep Singh Cheema, Advocate for the petitioner.
Mr. Nikhil Chopra, Addl. Advocate General, Punjab.

Rajan Gupta, J. (oral)

Petitioner applied in response to advertisement issued on 31.5.2016 for recruitment of Male/Female constables. In the said advertisement, there was a provision for 2% reservation for wards of police personnel. However, petitioner applied against the Scheduled Caste category. He participated in the selection process. On culmination of the process it was found that petitioner had secured 22 marks i.e. below the cut off of 27. Petitioner has impugned the selection on the ground that he could not apply against the category meant for 'wards of police personnel' as there was no clarification as to who would fall within the definition of such category. According to him, policy in this regard was issued only on 12.9.2016. This deprived the petitioner of a chance to compete against the said quota.

Learned State counsel has refuted the claim. He has referred to standing order No.1 of 2016. According to him, it was clarified in instructions issued by Department of Home Affairs and Justice, vide

No.1(211)94-2H(I)/10176 dated 11.6.1996 as who could be considered a ward of police personnel. The standing order issued on 12.9.2016 was reiteration of said instructions.

On due consideration of the matter, I find substance in the plea of the State. In the 1996 instructions, it was clearly stated as to who would be considered as wards of police personnel. The said para is reproduced hereunder:-

“Wards of Police Personnel:

In accordance with Govt. of Punjab Instructions issued by Deptt. of Home Affairs & Justice vide No.1(211)94-2H(I)/10176 dated 11.6.1996, wards of police personnel belonging to the following categories shall be covered:

- (i) Who have suffered casualty of one or more of the following relatives on the anti-terrorist front:
 - (a) Father
 - (b) Mother
 - (c) Sister/Brother
 - (d) Son/daughter
 - (e) Any other dependant family member.
- (ii) Who have suffered permanent disability on account of action against terrorists or attack by terrorists.
- (iii) Who have been awarded President's Police Medal for Gallantry or Police Medal for Gallantry for showing bravery in action(s) against terrorists.
- (iv) Who have taken part in at least 3 encounters with terrorists.
- (v) Who otherwise in the opinion of the Director General of Police have been in forefront of fight against terrorism.

The wards proposed to be covered would include dependent son, daughter, brother and sister or any other dependent family member.”

Thus, there can be no doubt that it was clearly defined in the 1996 instructions as to who could be considered under the category “Wards of Police Personnel”.

After issuance of advertisement dated 31.5.2016, petitioner chose to apply against the Scheduled Caste category. He never applied against the category meant for wards of police personnel. Thus, he was not allowed to compete in said category. Having participated in the Scheduled Caste category and failed, petitioner is not entitled to claim appointment under the category of ward of police personnel. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

April 11, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No