

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

CWP No.25344 of 2019

Date of Decision: 03.10.2019

Anish Kumar

....Petitioner

Versus

State of Punjab and others

....Respondents

***CORAM :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MR. JUSTICE SUDHIR MITTAL***

Present:- Mr. G.S. Nahel, Advocate
for the petitioner.

Mr. Sahil Sharma, D.A.G., Punjab.

Mr. Anil Sharma, Advocate
for respondent No.2.

Mr. Tarun Kumar, Advocate
for Mr. Nitin Kaushal, Advocate
for respondent No.3.

DAYA CHAUDHARY, J.

Petitioner-Anish Kumar has approached this Court with the grievance that an advertisement was published on 18.05.2019 for admission to six months' Bridge Program for certificate in Community Health for 1000 seats under National Health Mission, Punjab for the Session July, 2019. The last date of submission of online application form was 30.05.2019. Thereafter, the written test was conducted on 06.06.2019. Petitioner also applied and obtained 42 marks and his number in the combined merit list was at Sr. No.659.

On not being selected, he has filed this petition only on the ground that list was not prepared category wise and the candidates were

selected by adopting pick and choose method. Total 1205 candidates cleared the written test out of which about 700 candidates were shown to be selected and 300 posts are still lying vacant.

Learned counsel for the petitioner further submits that on perusal of combined list of all categories, it is not clear as to how many posts have been given to the reserved candidates and how many have been given to the candidates belonging to General category. The list should have been prepared category wise. It is also the argument of learned counsel for the petitioner that the result was not prepared/published category wise, whereas, as per advertisement, the specific number of posts should have been reserved for each category and the result should have been prepared category wise.

Without filing reply, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has also brought to the notice of this Court the list which has been prepared category wise, where the detail of marks; name of the candidate and category etc., are mentioned. He also submits that some of the candidates of reserved category were having higher merit and considered in the General category. However, it was mentioned against their names that they applied in reserved category but because of their merit, they were considered in General category. He also submits that there is no candidate, who is lower in merit but has been selected.

Learned counsel for respondent Nos.2 and 3 has also reiterated the arguments raised by learned State counsel.

Heard the arguments of learned counsel for the parties and we have also perused the documents available on the file including

advertisement; combined merit list; list of selected candidates and other documents.

The issue involved in the present petition is squarely covered by judgment in ***Indra Sawhney vs Union of India 1993(1) SCT 448***, wherein, it was held that the candidates, who applied in reserved category and were higher in merit, they were entitled for consideration in general category, in case, they were obtaining more marks than the last candidate in general category. It was also held that in implementing the reservation policy, the State has to strike a balance between the competing claims of the individual under Article 16(1) and the reserved categories falling within Article 16(4) of the Constitution of India.

On perusal of merit list prepared by respondents, it appears that the details of merit, category and selection in a particular category have been given. Not only the names and categories are mentioned but all details i.e roll number, name, father's name, category, date of birth and marks are mentioned. In a selection category, the detail of both categories are mentioned to show as to which candidate has applied in which category and also that some of the candidates, who were higher in merit and applied in reserved category (SC/ST/BC) but were considered in general category as being higher in merit.

On perusal of documents available on the file and also by considering the submissions made by learned counsel for the petitioner, nothing has been brought to the notice of this Court as to how the petitioner is aggrieved with the result/admission of the candidates or any candidate who is lower in merit but granted admission in the category of the petitioner. The petitioner himself has participated in the selection process

and being lower in merit in his category, has not been considered.

Accordingly, finding no merit in the contentions raised by learned counsel for the petitioner, the present petition is hereby dismissed being devoid of any merit.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

03.10.2019
gurpreet

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No