

CWP No.3346 of 2020

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

CWP No.3346 of 2020

Date of Decision: 12th March, 2020

Gurpreet Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Surinder Pal, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that despite he having scored equal marks i.e. 25.50 as that of Jatinder Singh – respondent No.5 but he has not been selected, whereas Jatinder Singh – respondent No.5 has been placed in the waiting list.

2. This, the counsel for the petitioner contends is against the Advertisement No.2 dated 12.10.2011 (Annexure P-1), where it was clearly mentioned that the educational qualification required was 8th class pass with Punjabi and preference was to be given to the candidates with higher qualifications. Counsel contends that the petitioner was 10+2 pass, whereas, Jatinder Singh – respondent No.5 was only matriculate and therefore, petitioner having scored equal marks as of Jatinder Singh – respondent No.5, should have been placed over and above Jatinder Singh –

respondent No.5 and should have been included in the select/waiting list instead of the said respondent.

3. On 07.02.2020, counsel for the State was directed to seek instructions with reference to the same. In response thereto, affidavit dated 12.03.2020 of the Deputy Inspector General of Prisons, Punjab, has been filed in Court, wherein the factum that the petitioner had obtained 25.50 marks as that of Jatinder Singh – respondent No.5 stands admitted, however, it has been explained that the marks with regard to the preference has been assigned for higher qualification to the candidates possessing such qualifications. The criteria for granting marks is based upon the Standing Order No.1 issued by the Director General of Police (Prisons), Punjab, in the year 2011 (Annexure R-1). Standing Order No.1 relates to the recruitment of Warders and Matrons (Lady Constable) in the Punjab Prisons Department. For the educational qualifications of Warders, the marks has to be assigned depending upon the qualifications as has been specified under Clause (i). In pursuance thereto, because of the petitioner being 10+2 pass, he has been assigned 10 marks, whereas Jatinder Singh – respondent No.5 being matriculate has been assigned 9 marks. In the interview, Jatinder Singh – respondent No.5 has obtained 1.5 marks, whereas petitioner has obtained 0.5 marks, thus, both the candidates have got equal marks after the marks having been assigned for the higher qualifications and other parameters. Petitioner being younger in age than Jatinder Singh – respondent No.5 has not been placed in the waiting list as per the Punjab Civil Services (General and Common Conditions of Services) Rules, 1974.

Reference in this has been made to Rule 8 thereto, from where the said principle has been adopted. It has further been stated in para 5 of the affidavit that while preparing the category-wise merit list, the fact of equal marks obtained by the candidates came to the notice, for which the Central Recruitment Committee adopted a tie-breaker principle and selected the person, who is senior in age than the younger one. It is, for this reason, Jatinder Singh – respondent No.5 has been placed higher in merit than the petitioner occupying the waiting list in the list of candidates, whereas petitioner has not qualified.

4. The reasoning which has been assigned by the respondents, as referred above, being based upon the settled principles and having the mandate of statute, cannot be faulted with.

5. The plea which has been taken by the petitioner with regard to the preference to be given to the candidates with higher qualifications has been taken note of by granting higher marks to the candidates as per their qualifications. Therefore, preference which had to be granted to the candidates has been taken care off in the present case.

6. In view of the above, the writ petition does not call for any interference of this Court. The same, therefore, stands dismissed.

12th March, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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