

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

**CWP No.25715 of 2017 (O&M)
Date of decision: 13.01.2020**

Parmal Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Munish Mittal, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

Ritu Bahri, J.

Pursuant to advertisement dated 30.12.2016 (Annexure P-1), petitioner participated in the selection process for the post of Water Pump Operator, Grade-II under BC-B category. Now, he is seeking direction to the respondents to consider him under the General category keeping in view that in the written examination, he has secured 102 marks, which are higher than the last candidate under the General category, who has secured 98 marks.

Upon notice, reply on behalf of HSSC-respondent No.3 has been filed, wherein it has been stated that marks obtained in the written examination cannot be made basis for shifting the category of petitioner from BC-B to General. It is only after declaration of the final result, if the petitioner secures higher marks than the last candidate in the General category, then he can be considered. Reference has been made to a

judgment passed by this Court in Suresh Kumar vs. State of Haryana and others, CWP No.8150 of 2013, decided on 02.09.2013 (Annexure R-3/1), wherein it has been held that rule of reservation should apply only at final stage of recruitment drive and not at every stage of selection such as written test, physical examination and oral test.

Learned State counsel has referred to the judgment passed by a Division Bench of this Court in Naveen Rao vs. State of Haryana and others, CWP No.3144 of 2019 (decided on 11.02.2019), wherein it has been held that marks obtained in the written examination cannot be made basis to change the candidature from reserved category to General category. It is only after declaration of final result, if a candidate belonging to reserved category has got more marks than the last candidate of the General category, then he can be appointed under the General category.

Keeping in view the judgment passed in Naveen Rao's case (supra), no case for giving direction to the respondents to consider the petitioner as a candidate of General category, is made out.

No merits.

Dismissed.

(RITU BAHRI)
JUDGE

13.01.2020
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No