

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

**CWP No.6896 of 2021 (O&M)
Date of Decision: 29.09.2021**

Jagdeep Singh Warring

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab for the respondent(s).

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to consider the candidature of the petitioner for the Punjab State Civil Services (Mains) Examination, 2020 in the Lineal Descendent of Ex-Servicemen (LDESM) Category (Category Code No.73) in terms of Punjab Recruitment of Ex-Servicemen Rules, 1982 and the Punjab State Civil Services (Appointment by Combined Competitive Examination) Rules, 2009.

The co-ordinate Bench while issuing notice of motion on 24.03.2021 passed the following order:-

“Learned counsel for the petitioner, inter-alia, contends that in pursuance of Advertisement No.14 notified on 12.12.2020 (Annexure P-1), the petitioner had applied for appearing in the

Punjab Civil Services Combined Competitive Examination-2020, as a candidate under LDESM Category (Code No.73) and had appeared in the preliminary exam wherein he secured 163 marks as is explicit from Annexure P-5. He also points out that as mentioned in Clause 8 of the notification dated 03.01.2014 issued by the respondent-State (Annexure P-6), the candidates equal to 12 to 13 times of the vacancies advertised in each category would qualify from amongst those appearing in the preliminary examination provided that such number of candidates are available and are otherwise eligible for admission to the main examination and he further contends that however, the respondents are misinterpreting the said Clause and are not allowing the candidates equal to 12 to 13 times of the vacancies advertised under the ESM and LDESM Punjab categories despite the fact that both these categories have been given the separate Code Numbers, i.e. 72 and 73 respectively, in Clause-11 of the said Advertisement Annexure P-1 and this misinterpretation on their part has resulted in the prejudice to the right of the petitioner to appear in the Main Examination as scheduled to be held w.e.f. 01.04.2021.

Notice of motion, returnable by 13.05.2021.

Ms. Sunint Kaur, Asstt. Advocate General, Punjab, who has appeared in this case on behalf of respondents No.1 and 2, in pursuance of the copies of this petition having been sent to the respondent-State in advance, accepts the notice on behalf of both these respondents. However, she submits that a detailed written reply is required to be filed in this petition and seeks time for the said purpose.

Let the same be filed on or before the date fixed with the copy thereof to the opposite counsel, well in advance.

Notice to respondent No.3 be also issued for the date fixed through e-mail or any other electronic mode. Dasti as well.

In the meantime, respondents No.1 & 2 are directed to provisionally allow the petitioner to appear in the said Main Exam scheduled to commence w.e.f. 01.04.2021 provided he fulfils the other requisite eligibility criteria as mentioned in Clause 8 of Annexure P-6, i.e the copy of the said notification dated

03.01.2014. However, it is further clarified that the petitioner, if found to be so eligible, would be appearing in the said Main Exam at his own risk and responsibility without any right to claim any equity having accrued in his favour on the basis of the said provisional permission which shall also be subject to the final outcome/decision of the present writ petition.”

On 02.09.2021, respondent No.2-Commission was directed to produce the result of the petitioner in a sealed cover.

Today, result of the petitioner has been produced in a sealed cover and the same is opened. After perusal of the result, it is re-sealed and returned to the official concerned, present in Court.

It transpires that petitioner secured 424.50 marks in LDESM Category (Code 73), whereas there were sufficient numbers of candidates from ESM Category (Code 72), therefore, he was not called for interview by the Commission.

Faced with the above situation, learned Counsel, on instructions from the petitioner, does not wish to press the present petition on merits; rather wishes to withdraw the same.

Dismissed as withdrawn.

The issue raised in the present case on 24.03.2021 is left open to be considered in an appropriate case when the occasion so arises.

September 29th, 2021
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>