

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

LPA No. 595 of 2021 (O & M)

Date of decision: 17.12.2021

115

Jagjit Singh

....Appellant(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Sunny Singla, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

The present letters patent appeal is filed against the judgment of the learned Single Judge dated 12.03.2020 passed in CWP No. 6480 of 2020, Jagjit Singh vs. State of Punjab and others. The learned Single Judge has dismissed the writ petition whereby, the petitioner had approached this Court challenging the criteria of minimum cut off marks at 35%, which had been fixed in the advertisement dated 12.09.2016 (Annexure P-1) itself which was for the purpose of selecting Tractor Drivers in the Animal Husbandry Department.

Counsel has vehemently submitted that the written test was as per the advertisement regarding the capability to read and write Punjabi and highly technical questions had to be attempted by the candidate which are of a higher grade, as such. It is submitted that the petitioner is a sportsman (Scheduled Caste category) and had scored 17.25 marks and, therefore, the fixation of marks as such is totally arbitrary.

Learned Single Judge has noticed that the selection criteria, as such, was that the test would be about driving skills, traffic rules, repair and mechanic of transport vehicles and, therefore, the argument that there was no criteria laid

down for the nature of questions was not likely to be accepted. It was further noticed that had the petitioner been aggrieved by the said criteria, he should have agitated the same at the relevant time and not after participating in the process and having failed to qualify the written test.

Law regarding this aspect is crystal clear that once having taken a chance as such in the selection process and having failed, the candidate is estopped as such from challenging the criteria which is fixed. The challenge to the criteria of 35% marks on the ground that it was beyond the capability as such of the candidate or the questions were not regarding driving skills and should have been only basic Punjabi language questions is not likely to be accepted. The job profile as such of the petitioner was of tractor driver and the questions are pertaining to vehicles and their parts and the type of vehicles and signs a driver on the road is supposed to know. The petitioner having failed to achieve the cut off of 35% and having barely scored 17.25 marks, cannot now contend that the criteria is bad in any manner. The driving offences only arise when the person does not know the basics as such the one who has not been able to get 35% marks, would be a danger to others on the road. Therefore, we do not find any illegality or irregularity in the order of the learned Single Judge which would warrant interference.

Accordingly, the present letters patent appeal is dismissed.

(G.S. SANDHAWALIA)
JUDGE

17.12.2021
shivani

(VIKAS SURI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No