

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

107

CM No.14217 of 2020 in/and  
CWP No.18744 of 2015  
Date of decision: 06.01.2021

**Gulsher Singh**

**.....Petitioner**

**versus**

**Punjab Mandi Board and ors**

**....Respondents**

**CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mrs. Anupam Bhanot, Advocate  
for the petitioner.

*(the aforesaid presence is being recorded through video  
conferencing since the proceedings are being conducted in Virtual Court).*

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**GIRISH AGNIHOTRI, J. (Oral)**

Petitioner – Gulsher Singh has filed the present writ petition *inter alia* with a prayer to quash criteria dated 11.11.2011 (Annexure P-9) determined by the Selection Committee being illegal and arbitrary to the advertisement dated 29.07.2011 on the basis of which respondent No.4 has been illegally appointed as Chowkidar, with a further prayer to direct the respondent No.3 to consider and select the petitioner for the post of Chowkidar being highly meritorious candidate.

Records of the case show that vide order dated 29.09.2015, notice of motion was issued. Thereafter, on 05.02.2020, this Court had passed the following order:-

*'During the course of hearing Mr. Nitin Kaushal, Advocate representing the contesting respondents no.1 and 3 has conceded that the criteria adopted by the Selection Committee for engaging Chowkidars was at variance to the advertisement inviting*

*applications. In the advertisement the educational qualifications were as regards mere ability to read and write Punjabi and there was no specific clause as regards experience. In the advertisement itself the format for the application to be submitted had been furnished which also did not contain any column qua experience. The Selection Committee, however, in its deliberations evolved a criteria of adjudging the candidate on a formula of 100 marks and in which 2 marks per year were to be given towards experience and carrying a maximum of 10 marks under such parameter.*

*It also stands conceded that such criteria whereby marks were to be awarded towards experience were never put in public domain. On a specific query it has still further been conceded that if the marks towards experience granted to private respondent no.4 were to be ignored, petitioner would have secured appointment.*

*Confronted with such a situation Mr. Nitin Kaushal, Advocate on instructions from Mr. Talwinder Singh, Clerk, Market Committee, Malout seeks a short accommodation to complete instructions as regards there being any scope of adjustment of the petitioner on the post of Chowkidar.*

*List on 4.3.2020.'*

Again on 04.03.2020, this Court had passed further order, which is as under:-

*'Mr. Nitin Kaushal, learned counsel for respondent Nos.1 and 3, states that the matter is under consideration in terms of the order dated 05.02.2020 and seeks time to report as to whether there is any possibility of adjusting the petitioner in the existing post.*

*Post on 20.04.2020.'*

Today CM No.14217 of 2020 has been filed by the petitioner

*inter alia* with a prayer to prepone the date of hearing.

Notice of the application to counsel opposite.

Mr. Nitin Kaushal, Advocate appears for respondent Nos.1 and 3. He submits that he has received a communication dated 27.11.2020 from the office of Market Committee, Maloud. Vide the aforementioned communication, the counsel has been informed that the Market Committee vide letter dated 12.10.2020 has taken a decision to offer the post of Chowkidar to the petitioner at Market Committee, Maloud.

At this stage, learned counsel for the petitioner submits that respondents be directed to allow the petitioner to join the said post immediately.

In view of the above peculiar facts and circumstances, the application is allowed and main case is taken on board today itself i.e. 06.01.2021.

Accordingly, with the above observation, the present writ petition is disposed of with a direction that respondent Nos. 1 and 3 in pursuance to their decision dated 12.10.2020 would allow the petitioner to join the post of Chowkidar forthwith maximum within one week from the date of receipt of certified copy of the order.

Ordered accordingly.

**(GIRISH AGNIHOTRI)**  
**JUDGE**

06.01.2021

*jyoti3*

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No