

218

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-13895-2016 (O&M)****Date of decision :August 08, 2022****Swaranjeet Singh****.....Petitioner****Versus****District and Sessions Judge, Sangrur and others****....Respondents****CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Gopal Singh Nahel, Advocate for the petitioner.

Mr. Vikas Chatrath, Advocate for respondent No. 1.

Mr. Kunal Mulwani, Advocate for respondent No. 2.

Mr. Ajay Pal Singh, Advocate for respondent No.6.

LISA GILL, J.

Prayer in this writ petition is for quashing the selection of respondents No. 2 to 7 to the post of Peon and appointing the petitioner to the said post reserved for category of Freedom Fighter. It is submitted that petitioner consequent to advertisement, Annexure P3, being fully eligible, applied for the post of Peon under the category reserved for Freedom Fighter. Petitioner participated in the interview, which was conducted. However, petitioner was not reflected in the select list. It is submitted that five posts of Peon were advertised with one post each in the category of Sportsman, ESM (General), ESM (BC), ESM (SC) and Freedom fighter.

However, as per the select list, four candidates belonging to the general category, one SC category and one to BC category were selected while no candidate from the category of Freedom Fighter was selected, whereas it is clearly

stated in the advertisement, Annexure P3, that one out of advertised posts are meant for Freedom Fighter category. It is submitted that the petitioner having knowledge of Punjabi upto Middle standard and admittedly belonging to Freedom Fighter category was ignored arbitrarily. Entire selection is stated to be unfair and carried out on the basis of pick and choose though no specific instance or averment in this regard is forthcoming in the writ petition. It is, thus, prayed that this writ petition be allowed.

As per the reply filed on behalf of respondent No. 1, it is specifically stated that petitioner secured only three out of ten marks, which is less than the minimum fixed criteria of five marks for Reserved category candidates, therefore, petitioner had failed to fulfil the criteria adopted by the Selection Committee and his name was not recommended for appointment to the post of Peon. The norm fixed by the Selection Committee was minimum of 5.5 marks for General category and 5 marks for reserved category as minimum eligible condition. Reference is made to note 1 and note 7 of the Advertisement, Annexure P3 to submit that in case suitable candidates are not available qua the Reserved category posts, the same would be fulfilled from the General category candidates. Note 1 and Note 7 of the advertisement read as under:-

1. If no suitable candidate is available for the reserved category posts, then the reserved post will be filled up from amongst General category candidates.

xxx

xxx

xxx

7. Merely satisfying the eligibility criteria do not entitle any candidate to be selected. This office reserves the right to alter/modify or change any of the terms and conditions including selection criteria etc. spell out in the advertisement.

Learned counsel for respondent No. 1 reiterates that the petitioner not having secured the stipulated minimum prescribed marks could not be recommended for selection and in terms of the conditions in the advertisement itself, the post could be filled up from amongst candidates of General category when none was available from reserved category in question.

Learned counsel for the petitioner is unable to deny that the petitioner not having secured the stipulated minimum criteria of five marks, no ground for any interference is made out. It is to be reiterated that though it is stated in the writ petition that the selection was not fair or impartial but there is no specific allegation of any malafides in the writ petition neither has any been alleged during the course of arguments. In my considered opinion, no ground is made out for any interference in this writ petition.

No other argument has been addressed.

Writ petition is, accordingly, dismissed with no order as costs.

August 08, 2022

rts

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

(LISA GILL)
JUDGE