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

CWP-21505 of 2014

Date of decision : 01.06.2022

Pooja Devi

.... Petitioner.

Versus

State of Punjab & others

... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. R.K. Arora, Advocate for the petitioner.

Ms. Jasleen Kaur, AAG, Punjab.

Mr. S.S. Behl, Advocate for respondent No.2.

Anupinder Singh Grewal, J.

1. The petitioner has challenged the selection list dated 29.08.2014 (Annexure P-5) to the post of Lecturer in History. She has also sought a direction that her candidature be considered for appointment to the post of Lecturer (History).

2. Learned counsel for the petitioner submitted that the petitioner has excellent academic credentials. She has done B.Ed., M.A. and M.Phil in History. She had obtained 56.12 marks as per the criteria laid down in the advertisement for academic qualification. She was interviewed along with the candidates belonging to the general category, although she belongs to scheduled caste category. She should have been interviewed along with the candidates in the scheduled caste category as she could not be judged by the

standards used for judging the candidates in the general category. It is also submitted that as per the guidelines issued by the Government of India, Ministry of Personnel Public Grievances and Pensions, Department of Personnel and Training, the scheduled caste candidates have to be interviewed separately and they have to be judged by their own standards. There should have been members of the scheduled caste in the interview board/selection committee. He further submitted that the selection committee has arbitrarily awarded only 2 marks to the petitioner in the interview although other candidates have been granted higher marks, some of whom possessed lesser qualifications than her. A separate list for all the candidates, who had qualified the written examination in general category and scheduled caste category, was prepared which is contrary to the law laid down by this Court in the cases of **Paramveer Singh and others versus Punjab Public Service Commission and others, 2012 (1) SCT 542 and Deepak Kumar versus State of Punjab and another, 2014 (3) SCT 789**. No separate list could have been prepared on the basis of reservation at the preliminary stage. It is only at the final stage that the reserved caste candidates could be considered for appointment in the general category, and the seats which thus fall vacant in the reserved category could be offered to other candidates in that category. Respondent No.3, who is the selected candidate in the scheduled caste category, had later resigned from the post and, therefore, the petitioner being at serial No.1 in the waiting list, should be accommodated in her place. He has cited the judgement of a Coordinate Bench of this Court in the case of **Varun Kumar versus Haryana Staff Selection Commission and others**, bearing CWP No.15403 of 2011,

decided on 17.07.2013 wherein appointment letter was ordered to be issued to the petitioner, who was in the waiting list.

3. Learned counsel for the respondents, while referring to the reply filed on their behalf, has submitted that the petitioner had obtained 56.12 marks which are less than 58.88 marks obtained by respondent No.3, who was the selected candidate in the scheduled caste category. There were two posts for general category and one for scheduled caste category. The petitioner and all other candidates had been interviewed on the same day although a separate list had been prepared for general category candidates and the candidates in the reserved category. The petitioner on the basis of her academic marks was found to be meritorious and she was placed in the list of general category candidates. Candidates three times the number of vacancies had been called for the interview. It is also submitted that respondent No.3 after selection had joined the post and only after two years had resigned from the post and, therefore, the validity of the waiting list had expired. The vacancy which arose on account of resignation of respondent No.3 would be filled by a future advertisement and cannot be offered to the petitioner, as the waiting list had expired.

Heard.

4. The petitioner had applied for the post of Lecturer in History under the scheduled caste category in pursuance to the advertisement issued in August, 2013. She had obtained 56.12 marks on the basis of her academic qualification and had been awarded 2 marks in the interview and thus, obtained an aggregate of 58.12 marks. Respondent No.3, who also belongs to the scheduled caste category, was awarded 52.38 marks on the basis of her

academic qualification. She had obtained 6.5 marks in the interview and had an aggregate of 58.88 marks which is higher than the marks obtained by the petitioner. It is not necessary that a candidate, who obtains higher marks due to academic qualification would have to be awarded higher marks than other candidates in the interview as well. I have gone through the result furnished by counsel for the respondents wherein the marks awarded to all the candidates in the interview have been specified. A perusal of the marks obtained by the candidates in the interview indicates that there are several candidates who have been awarded low marks in the interview. Respondent No.3, who also belongs to scheduled caste category has obtained 6.5 marks while there are some other candidates in the general category who had obtained 2.5 or 3 marks.

Candidates five times the number of vacancies were called for the interview. The marks obtained in the interview by all the candidates, who were called for the interview are reproduced hereunder:-

Sr. No.	Reg. No.	Roll No.	Post Type	Candidate's name	Father's name	Marks
1.	10201	22007	Lecturer (PGT) History (P104)	Gurpiar Singh	Jaswant Singh	5.5
2.	11134	22035	Lecturer (PGT) History (P104)	Manvir Kaur	Surjeet Singh	Absent
3.	11258	22038	Lecturer (PGT) History (P104)	Munish Kumar	Rajinder Pal	7.5
4.	11466	22044	Lecturer (PGT) History (P104)	Navtej Kaur	Hardev Singh	3.0
5.	11956	22057	Lecturer (PGT) History (P104)	Navjeet Kaur	Harjit Singh	3.0
6.	12520	22073	Lecturer (PGT) History (P104)	Raminderjeet Kaur	Baldev Singh	3.0
7.	10246	22105	Lecturer (PGT) History (P104)	Simbaljit Kaur	Sukhdev Singh	2.5

8.	10393	22108	Lecturer (PGT) History (P104)	Satish Kumar	Thuru Ram	2.5
9.	10545	22111	Lecturer (PGT) History (P104)	Sohan Lal	Charan Singh	2.5
10.	11464	22123	Lecturer (PGT) History (P104)	Karamjeet Kaur	Bhupinder Singh	2.5
11.	11572	22125	Lecturer (PGT) History (P104)	Satpal	Surinder Pal	2.5
12.	12078	22133	Lecturer (PGT) History (P104)	Prabhjot Kaur	Surjeet Singh	6.5
13.	12828	22140	Lecturer (PGT) History (P104)	Gurmit Kaur	Baljeet Singh	2.5
14.	13390	22154	Lecturer (PGT) History (P104)	Pooja Devi	Mahesh Dass	2.0
15.	12705	22180	Lecturer (PGT) History (P104)	Tarinder Kaur	Sukhdev Singh	2.5

Therefore, I do not find any merit in the contention of counsel for the petitioner that she had arbitrarily been awarded low marks in the interview.

6. I cannot accept the contention of counsel for the petitioner that the respondents had wrongly shortlisted the candidates belonging to various categories separately. There are no directions or rules applicable to State of Punjab which make it mandatory for scheduled caste candidates to be interviewed separately or by a separate board.

7. The respondents had prepared a separate list at the time of interview for the general category candidates and the reserved caste category candidates. All the candidates had been interviewed on the same day by the same interview board. The petitioner had been placed in the list for general category for interview. She had not been prejudiced in any manner. If any candidate has not been called for interview by this action, it would have been open to him/her to challenge the same. The petitioner was interviewed and the

aggregate of her marks (written and interview) was less than the selected candidates in scheduled caste and general categories. She is stated to be considered in both SC and general categories. Three posts were advertised including one in the SC category. The marks obtained by the selected candidates are set out hereunder:-

Sr. No.	Name of Candidates/ Father's name	Roll No.	Category	Academic Merit	Interview marks	Total
1.	Gurpiar Singh/Jaswant Singh	22007	General	59.36	5.5	64.85
2.	Munish Kumar/Rajinder Pal	22038	General	55.92	7.5	63.42
3.	Prabhjot Kaur/Surjit Singh	22133	SC	52.38	6.5	58.88

The petitioner had obtained 56.12 marks on the basis of her academic qualification and two marks in the interview, thus, the total marks would be 58.12.

8. The judgments cited by counsel for the petitioner are distinguishable on facts and are not applicable to the instant case. In the case of **Paramveer Singh and others versus Punjab Public Service Commission and others (supra)**, the petitioners therein, who were from the reserved category had sought shortlisting of the candidates for the preliminary examination separately in the general and the reserved categories. It was submitted that the candidates of reserved category who have been meritorious should be adjusted in the general list at the preliminary stage of the examination. The seats which fall vacant due to adjustment of these candidates should be offered to other candidates in the reserved category. In such

circumstances, it was held by the Coordinate Bench that the concept of treating the reserved category candidates, who are selected on their own merit in the general category has to be applied at the time of final selection. The shortlisting at the preliminary stage is in the nature of qualifying examination and no such benefit of reservation is to be granted.

9. Similarly, in the case of **Deepak Kumar versus State of Punjab and another(supra)**, while relying upon the judgment in **Paramveer Singh and others versus Punjab Public Service Commission and others (supra)**, it was held that the shifting of meritorious reserved category candidates to the general category should not be done at the stage of preliminary examination but at the time of final selection.

10. Insofar as the submission of learned counsel for the petitioner that the petitioner be appointed against a vacancy caused by the resignation of respondent No.3 is concerned, the same cannot also be accepted for the reason that respondent No.3 had joined on the post and had resigned after working for over two years. Munish Kumar and Prabhjot Kaur, who were at serial Nos.2 and 3, respectively, in the merit list had resigned on 06.12.2016 and 24.07.2016, respectively. The validity of the waiting list would be six months or at the most one year. The vacancies which arise thereafter would have to be filled up through fresh advertisement wherein the candidates who had either not applied earlier or did not have the qualification at that time are able to compete along with other eligible candidates.

11. A Coordinate Bench of this Court by order dated 14.01.2019 had directed the respondents to consider the case of the petitioner for

accommodating her against the vacancy caused by the resignation of respondent No.3. In pursuance thereto, the respondents had passed an order on 01.03.2019 whereby the case of the petitioner for appointment has been rejected on the ground that the vacancy had occurred after two years of the appointment and the waiting list was valid only for a year. It is also set out therein that in case the candidates do not join within the prescribed period, then the candidate next in merit can be considered for appointment as per Government instructions.

12. The judgment in the case of **Varun Kumar versus Haryana Staff Selection Commission and others (supra)** would not be applicable to the instant case because in that case, the petition had been allowed for the reason that the petitioner was at No.1 in the waiting list. The selection list had been issued in the month of August, 2010 and the selected candidate had resigned within one month. The petitioner therein had immediately thereafter sought appointment while in the instant case, the vacancy had arisen after two years of the appointment of respondent No. 3.

13. Consequently, I do not find any illegality in the action of the official respondents not offering the petitioner appointment as a Lecturer. The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

June 01, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No