

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

**CWP No. 19972 of 2016 (O&M)
Reserved on: September 15, 2022
Date of Pronouncement: September 29, 2022**

Subhash Chander

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

JAISHREE THAKUR, J.

1. By way of instant writ petition, the petitioner seeks issuance of a writ in the nature of Mandamus directing the respondents to give relaxation in the age to sub-category of freedom fighter candidates belonging to Scheduled Caste category for recruitment of male and female Constables, as the advertisement dated 31.5.2016 (Annexure P/1) provides no relaxation in age for the wards of a freedom fighter.

2. In brief, the facts, as averred in the petition, are that respondent No.2 invited online applications for recruitment of 6252 posts of male and 1164 posts of females in the District Police and Armed Police cadre vide advertisement No. 1/2016 dated 31.05.2016 (Annexure P/1). In pursuance of the advertisement, the petitioner applied for the post of male constable and was issued admit card with roll No. 8223623. As per Clause 6 A (B) of the advertisement, the minimum age as on 01.01.2016 was 18 years (for

both male and female) and maximum age was 28. There was a five years relaxation over and above the above mentioned upper age limit (28 years) for candidates belonging to Schedule Castes/Scheduled Tribes and Backward Classes. A similar relaxation of three years was to be given to ex-serviceman of Indian Defence force. The petitioner applied under the SC category as there was no sub-category of freedom fighter belonging to SC in the software. The petitioner fulfilled all the requisite qualifications, physical standards fixed for selection, as per the advertisement. However, the petitioner being ward of the freedom fighter was not considered under the said category on the ground that there was no relaxation in age limit for the beneficiaries under the freedom fighter category.

Aggrieved against this, the petitioner submitted a representation dated 7.6.2016 (Annexure P/3 Colly), pointing out an anomaly in the advertisement issued in 2016, while stating that in the earlier recruitment in the Punjab Police as well as other departments of the Punjab Government there was a relaxation of 5 years in the maximum age limit given to SC/ST/Children of freedom fighters. However, the respondents did not pay heed to the representation of the petitioner and went ahead with the process of recruitment. It is submitted that the petitioner being the ward of the freedom fighter was not being considered under the said category on the grounds that there was no relaxation in the age limit for the beneficiaries under the freedom fighter category. Hence the instant writ petition.

3. Upon notice of motion having been issued, the respondents have filed reply, in which it has been averred that the petitioner appeared in the recruitment process knowing fully well the conditions mentioned in

the advertisement dated 31.5.2016. Final merit list was prepared by the Central Recruitment Board strictly in accordance with the prescribed rules and procedure laid down in Standing Order No.1 of 2016 in absolute transparent and fair manner so as to ensure that only deserving candidates are selected on the basis of their merit. As no interview was conducted, there was no possibility of any discrimination with any candidate by awarding marks arbitrarily or subjectively in the interview. The name of the petitioner was placed at serial No. 124099 in the merit list and 18970 candidates, who were higher in the order of merit than the petitioner, were also not selected. Hence there is no merit in the writ petition and the same deserves to be dismissed.

4. When the case was called, none appeared on behalf of the petitioner, therefore, the Court was left with no option but to hear the learned counsel for the respondents—State and proceed to decide the matter on the basis of reply filed.

5. It is apparent from the pleadings of the respondents that no interview was conducted and the final merit list was prepared only on the basis of the marks obtained by each candidate, therefore, the question of discrimination, if any, does not arise. The position of the petitioner in order of merit has been given in the reply. It is pointed out that the petitioner obtained total 23 marks, but five marks below the cut off line for both Armed Police cadre and District Police Cadre. It is further submitted that in any case the petitioner could not be selected in that category as in wards of freedom fighter category, the cut off marks in Armed Police cadre Male was 25 marks and in District Police Cadre the cut off score was 27 marks and

since the petitioner obtained 23 marks, he did not have the merit to be selected.

6. It is settled law that once a candidate has participated in the selection process and has not been selected, then he cannot turn around and say that the procedure or the criteria adopted was not fair.

7. For the reasons afore-stated, the writ petition is dismissed being devoid of merit.

September 29, 2022
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No