

222

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14854-2018
Date of decision: 01.09.2022

SATWANT SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND ORS.

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. K. G. Chaudhry, Advocate and
Ms. Sakshi Singh, Advocate
for the petitioner.

Mr. Sehajbir Singh Aulakh, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed seeking issuance of a writ in the nature of certiorari or any other appropriate writ, direction or order for quashing order dated 09.04.2018 (Annexure P-8) as passed by respondent No.3.

Learned counsel for the petitioner herein would contend that pursuant to an advertisement that was issued on 08.10.2016, the petitioner applied under the BC category for appointment as a Constable in Special Security Group (Special Protection Unit) in Armed Police Cadre of Punjab Police. Under the said advertisement, 20 posts had been reserved for the said category. When the result was declared, the petitioner found that neither was his name reflected in the merit list nor was it on the waiting list. He would submit that two persons, whose names were reflected in the merit list did not

join and similar number of persons, whose name were on the waiting list also did not join and consequently, having the necessary marks, his name should have been brought on the waiting list and he should be offered appointment in case there is any vacancy. It is also contended that the petitioner has secured 22 marks and, therefore, should have also been considered in the light of the fact that the last selected candidate has also secured 22 marks.

Pursuant to notice of motion having been issued on 01.06.2018, reply has been filed on behalf of respondent Nos.1 to 3 dated 29.10.2018. As per the reply, it is stated that after the selection of 20 candidates from the BC category, waiting list of four candidates was prepared. As per instructions laid down in the Standing Order No.11/2016, list of total 41 qualified candidates of BC category was prepared and the name of the petitioner figured at serial No.39. First 14 candidates were treated in General category and candidates from serial No.15 to 34 were entered in the select list of BC category making a total of 20 posts. As per para No.8 of the Standing Order No.11/2016, further four candidates i.e. from serial No.35 to 38, were retained in the waiting list and the name of the petitioner neither figured in the select list nor in the waiting list.

Learned State counsel would submit that 20 candidates out of the BC category had to be appointed. Pushpinder Dass having total 23 marks and Manjodhhan Singh having 22 marks did not join, consequent to which, one Pawan Kumar from the waiting list was appointed and one Lakhwinder Singh, who had filed a writ petition was also appointed under the orders of this Court. Therefore, all 20 seats stand filled. It is also submitted that the petitioner herein, who has 22 marks cannot be considered for appointment even though

the last selected candidate has the same marks on account of the fact that as per the Standing Order No.11/2016, it has been mentioned that '*in the event of the candidates having equal marks, the candidate senior in age shall be put higher in the merit.*' The petitioner herein is not senior enough qua the other candidates, who have been selected and have been appointed even though the marks are same.

I have heard learned counsel for the parties.

As per the record available as on date, all 20 posts stand filled and there is no vacancy as such. The candidate who has been last appointed from the waiting list had a merit of 22 marks, which is the same as the petitioner but on account of the petitioner being lesser in age, he has not been offered appointment. Finding no infirmity in the selection process, the instant writ petition is dismissed.

01.09.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*