

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9017 of 2014
Reserved on: 06.09.2022
Date of decision: 29.10.2022

PARAM JIT

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ajay Kumar Sharma, Advocate
for the petitioner.

Mr. Sehajbir Singh Aulakh, AAG, Punjab.

JAISHREE THAKUR, J.

1. The petitioner herein has approached this Court under Articles 226/227 of the Constitution of India for issuance of an appropriate writ in the nature of certiorari for quashing the selection list of candidates belonging to Ex-SM General Category with a further prayer for issuance of a writ of mandamus directing the respondents to redraw the merit list and appoint the petitioner herein.

2. In brief, the facts as stated are that the petitioner herein applied for appointment as Constable pursuant to an advertisement (Annexure P-1). The State of Punjab by the said advertisement, invited applications to fill in 125 posts of Constables (Male Category) in District Police Cadre of Punjab Police

for District Fatehgarh Sahib. Out of the 125 advertised posts, 12 posts were reserved for Ex-Servicemen General Category. The petitioner fully eligible, applied for the said post and appeared for the Physical Measurement Test and the Physical Efficiency Test and was given marks on the basis of his educational qualification and height. He was also called for an interview but was not selected under the category he had applied under. As the petitioner was not appointed, he applied under the RTI Act for a break of his marks and as per the information supplied, it was shown that the height of the petitioner was 5 feet 8½ inches. He was given a total of 26.5 marks, whereas last selected candidate has total of 26.5 marks but was offered appointment.

3. Learned counsel appearing on behalf of the petitioner herein would contend that in fact, the height of the petitioner herein is 5 feet 9 inches as would be relevant from his ID Card as issued by the Army Authorities. It is submitted that in case, the height of the petitioner is considered at 5 feet 9 inches, then he would have the benefit of one additional mark taking his total to be 27.5 marks and, therefore, he would have come into the zone of consideration, having qualified all other criteria as asked for. It is also argued that the petitioner having the same marks as the last selected candidate, should have been considered for appointment.

4. Per contra, learned counsel appearing on behalf of the respondents-State would submit that the height of the petitioner herein had been measured at 5 feet 8½ inches and, therefore, was given the appropriate 11 marks. It is further submitted that he would have been given 12 marks had his height been measured at 5 feet 9 inches and above. It is also submitted that the

petitioner could not be appointed with the marks that he had obtained as persons having the same marks and younger in age were considered for appointment, in terms of the standing order issued by the State of Punjab.

5. I have heard learned counsel for the parties and with their assistance have also perused the paper-book.

6. The petitioner herein is seeking appointment as a Constable under the advertisement as issued under the Ex-Servicemen General Category (Male). The petitioner herein questions his height as measured by contending that as per his ID Card, he was shown as 5 feet 9 inches and, therefore, his height has been wrongly measured. It is submitted that in case, he is given the benefit of being 5 feet 9 inches, he would have been given 12 marks and, therefore, his total would have been 27.5 marks, taking him into the zone of consideration for appointment, since the last selected candidate had also obtained 26.5 marks.

7. The argument raised by learned counsel for the petitioner that the petitioner has a height of 5 feet 9 inches is based entirely upon the ID Card as issued by the Army Authorities, whereas in the selection process, the respondents-State duly measured the height of the petitioner at 5 feet 8½ inches and accordingly, gave him 11 marks. In the reply filed, it is submitted that the petitioner accepted his height to be 5 feet 8½ inches by affixing his signatures upon the relevant form. The petitioner has not been able to contradict the averment in the written statement nor is there any other substantial material available on the record for this Court to interfere.

8. The second argument as raised by learned counsel for the petitioner is that the appointment should have been given to the petitioner since

the petitioner had obtained 26.5 marks as was the last selected candidate, is also without merit. As per the standing order as issued by the State of Punjab, if two or more persons achieve equal marks, then the candidate who is younger in age should be given preference. Private respondent Nos.14 to 16 being younger in age than the petitioner herein were given preference and were duly recruited as Male Constables. In view of the stand taken, this Court finds no infirmity in the selection process for any interference.

9. Consequently, the instant writ petition stands dismissed.

29.10.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No