

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

CWP No.315 of 2017 (O&M)

Reserved on:16.08.2022

Pronounced on:09.09.2022

Gurpreet Singh

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Anil Rathee, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

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JAISHREE THAKUR J.

1. The petitioner herein is seeking a writ to be issued in the nature of mandamus directing the respondents to allow the petitioner to join as a Constable with the Armed Police at Patiala as he stands selected pursuant to the advertisement no1/2016.

2. In brief the facts are, that being fully eligible the petitioner applied for the post of Constable (General Duty) in District Police Cadre and Armed Police Cadre in response to an advertisement No.1/2016. The respondents advertised 7416 posts of Constables, out of which 2514 Constables were to be recruited under the Armed Police Cadre. The criteria was specified in the said advertisement as per clause 9. Candidates who had completed the 10+2 board examination was to be given marks as stipulated in Clause 9 of the advertisement. Marks were to be given for the physical measurement test, and in case the candidates qualified the physical screening test, said marks would be added to the marks allotted for educational qualification and then candidates were to be called for an

interview, which would carry 4 marks. However, the criteria of interview was modified and the candidates who had requisite marks were to be called for document verification. The petitioner having qualified, was issued a provisional selection letter dated 26.10.2016 and called for document verification but was not permitted to join on the ground that he did not have the necessary merit. The petitioner was awarded 13 marks for his height measured at 5'7" and was given 14 marks for his performance in 10+2 Board Examination, making the total 27 marks. Aggrieved against the allocation of only 14 marks for his performance in the 10+2 Board Examination, the instant writ petition has been filed.

3. Learned counsel appearing on behalf of the petitioner herein would contend that the petitioner had obtained Grade-Point Average of 9 in his Senior Secondary Certificate Examination as would be evident from Annexure P-3, therefore, he had obtained 90% marks in his 10+2 Board Examination, as, the equivalent percentage of GPA x10, makes it 90%. It is argued that as per the advertisement it was stated that the regulations of the Education Board concerned shall apply, and since the petitioner had got his Senior Secondary Certificate from the Board of School Education, Haryana which followed the grading pattern w.e.f. February-March 2006 examination, his percentage is to be taken as 90%. If he is allowed 90% marks for his Board Examination he would then be entitled to 15 marks making his total to be 28, which would then entitle him for appointment.

4. Per contra, learned counsel for the respondent-State would submit that the petitioner had in fact obtained 79.6% marks which would only entitle him to 14 marks, and therefore, having a total of 27 marks, he did not come in the merit list to be offered appointment. It is also argued

that petitioner had only 27 marks whereas the last selected candidate had obtained 28 marks. It is also submitted that during document verification it was found out that the petitioner had obtained 79.6% and would only be entitled to 14 marks instead of 15. It is submitted that the entire criteria for selection was well detailed in the advertisement issued, and appointments have been made strictly in accordance with merit.

5. I have heard the counsel for the parties and have perused the pleadings of the case.

6. The petitioner herein is seeking the benefit of additional marks by stating that he had a GPA score of 9 in his Senior Secondary Examination as conducted by the Haryana School Education Board. The GPA score of 9 is equivalent to 90% and therefore, he would be entitled to 15 marks for his Board Examination.

7. In order to settle the controversy whether the petitioner herein is to be allocated additional 1 Mark or not, taking his total to be 15 marks for his Board Examination, it would be expedient to spell out the marking system as stipulated in the advertisement issued. Relevant portion pertaining to the allotment of marks for performance in 10+2 Board Examination as specified in Clause 9 of the advertisement is reproduced as under:-

MARKS FOR PERFORMANCE IN 10+2 BOARD EXAM*
(Applicable to all male and female candidates except Ex-Serviceman)

Percentage of Marks (10+2 Board Exam)	Marks
Upto & including 40%	10
More than 40% and upto and including 50%	11
More than 50% and upto and including 60%	12
More than 60% and upto and including 70%	13
More than 70% and upto and including 80%	14
Above 80%	15 (Maximum)

Note* for the purpose of calculation of percentage of marks, the candidate should enter marks obtained by him/her in 10+2 Board Examination (as per the detailed marks card/sheet issued by the board) as well as the total marks in the application form. It may be noted that the relevant rules and regulations of the education board concern shall apply.

8. The petitioner had in fact obtained the following marks:

Sr. No.	Subject	Marks Obtained	Grade	Grade Description
1.	English (Core)	069	A	Excellent
2.	Hindi (Core)	075	A-	Very Good
3.	History	080	A+	Outstanding
4.	Political Science	091	A+	Outstanding
5.	Physical Education 055 028	083	A-	Very Good
	Additional (if any)			
	Grade Point Average (GPA)		9.00	

Equivalent percentage=GPAX10
Environmental/Moral Education Grade; Good
SUPW Grade: Good

9. As per information received from the Haryana School Education Board, each subject of 12th class had 100 marks. The petitioner had a total of 398 marks out of 500, which would have given him a pass percentage of 79.6%. As per the marking system, the petitioner having less than 80% marks has rightly been given 14 marks and would not be entitled to claim additional 1 mark.

10. The argument as raised, that the petitioner would be entitled to be marked as per the grading system of the Haryana School Education Board is without any substance, as the advertisement itself called for candidates

applying online to enter marks obtained by him/her in 10+2 Board Examination (as per the detailed marks card/sheet issued by the board) as well as the total marks in the application form. There was no requirement for filling in the grades. The advertisement clearly spelt out that the percentage of marks would be calculated on the marks obtained. While applying, the petitioner was well aware of the criteria of marking as spelt out in the advertisement and now cannot be permitted to ask for another form of marking. In **Union Of India and others Versus Vinod Kumar and others (2007) 8 SCC 100**, the Hon'ble Supreme Court has held that "*It is also well settled that those candidates who had taken part in the selection process knowing fully well the procedure laid down therein were not entitled to question the same subsequently.*"

11. Consequently finding no merit in the writ petition, the same stands dismissed.

(JAISHREE THAKUR)
JUDGE

September 09, 2022

Pankaj*	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No