

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

CWP-352-2017 (O&M)

Date of decision: 04.03.2022

Jaswinder Singh and another

....Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ritesh Aggarwal, Advocate for the petitioners

Mr. Charanpreet Singh, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioners pray for quashing of order dated 05.12.2016.

The petitioners on the basis of selection and provisional merit list were deputed/appointed to the District Police Cadre. Subsequently, they have been shifted to the armed police cadre on the basis of a letter dated 05.12.2016. The petitioners claim that as they have been allocated to the District Police Cadre, they cannot be shifted to Punjab Armed Police, afterwards. In the written statement, the respondents while explaining the order of merit duly prepared on 20.05.2017, have contended that the petitioners failed to secure the cut off score of 21 marks which was the bench mark for the appointment in District Police Cadre. It has been pointed out that previously only a provisional merit list was issued and subsequently, on revision, the petitioners have been allocated to the armed police cadre. Para 3 of the written statement filed by the respondents reads as under:-

“3. That the positions of petitioners in order of merit duly prepared dated 20.05.2017 were as under:-

1. Jaswinder Singh s/o Raj Singh r/o Village Chatamla, P.O. Marauli Kalan, District Roopnagar.

Roll No.	22511270
Category	ESM SC (M&B)
Date of Birth	07.02.1982
Marks of height	5'9.75"=12
Marks of Educational Qualification	37.1%=10

i.e. 10th

Total Marks	22
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2. Baljinder Singh s/o Ajmer Singh r/o Village Kheri Purkhali, District Roopnagar.

Roll No.	22511965
Category	ESM SC (M&B)
Date of birth	01.05.1978
Marks of height	5'9.25"=12
Marks of Educational Qualification	37.4%=10

i.e. 10th

Total Marks	22
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In Ex-Servicemen SC (M&B) Category the cut off score in Armed Police cadre Male was 21 marks while the cut off bench mark of age in terms of date of birth was 14.02.1978. Similarly, in District Police Cadre the cut off score was 23 marks and the cut off bench mark of age in terms of date of birth was 16.04.1979 in the said category.

Name of the petitioners are figured at sr. no. 40 & 25 in the merit list of Armed Police cadre in ESM SC (M&B) category respectively.

In the provisional merit list dated 26.10.2016, in Ex-Servicemen SC (M&B) category the cut off score in Armed Police cadre Male was 20 marks while the cut of bench mark of age in terms of date of brith was 15.10.1981. Similarly, in District Police Cadre the cut off score was 21 marks and the cut off bench mark of age in terms of date of birth was 01.01.1978 in the said category. Name of the petitioners were placed in District Police Cadre in the provisional merit list declared on 26.10.2016. Before that some amendments were made by Director General of Police, Punjab in Standing Order no.1 of 2016 vide its memo no.10696/E-1(4), dated 26.09.2016, vide which “interview cum-personality test” was amended as “document verification”.

During document verification it was found that some candidates had filled up their educational qualification marks wrongly. Some did not produce requisite Certificate for Wards of Police Personnel and some candidates did not fill up their option for sub-category status i.e. SC (M&B) or SC (R&O). These genuine corrections were incorporated in the result and this process has resulted in revision of merit list. In the revised merit list petitioner's name came into the Armed Police cadre as per Standing Order as mentioned in para 2 of the preliminary submission. There was no deviation from the prescribed rules and procedures at any stage during the entire process of recruitment.

Hence their names swayed from District Police cadre to Armed Police cadre in the revised merit list dated 24.11.2016, as new candidates came into merit of District Police Cadre after correction of their sub-category status i.e. SC (M&B) as explained above. Hence, no discrimination or prejudice has been made with the petitioners before the above said criteria was uniformly applied for all the candidates.”

The petitioners have not filed any replication to controvert the facts noted above.

Thus, it is obvious that it is not a case of transfer from one cadre to the other. In the year 2016 the petitioners were permitted to join on the basis of a provisional merit list, which was subsequently revised. In view thereof, no ground to issue the writ as prayed for, is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

04.03.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE