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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6437-2017

Date of decision: 06.05.2022

SUNITA

...Petitioner

VERSUS

STATE OF PUNJAB & ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for setting aside the selection of female Constables category SC (MB) as the petitioner is more meritorious and has been kept in the waiting list at serial No.20 and candidates who are lower in merit have been selected.

In brief, the facts of the case are that the petitioner herein applied for the post of female Constable pursuant to advertisement No.1/2016 dated 31.05.2016. Petitioner was issued a provisional admit card bearing roll No.12210217. She undertook the written examination and eventually was given 26 marks and kept in the waiting list at serial No.20.

Learned counsel for the petitioner herein would contend that the petitioner herein who has got 61.70% marks in educational

qualifications has been kept in the waiting list, whereas the persons who have got 55.30%, 61.10%, 60.10% and 45.80% marks have been shown in the merit list having the same number of marks i.e. 26 marks. It is submitted that the petitioner herein is entitled to be brought up in the waiting list and offered appointment to the post of female Constable in her category, which appointment is being denied to her.

On notice of motion having been issued, a reply on behalf of respondent Nos.1 to 4 has been filed stating that petitioner herein secured 61.70% and for that she was allocated 13 marks. She was also given 13 marks for her height and got 26 marks in total. Learned State counsel would submit that the persons having lesser percentage were given marks according to their merit. It is pointed out that one Hardeep Kaur, who at serial No.15 of the revised provisional waiting list had got 53.80% marks for educational qualification and for that she had been given 12 marks and on account of her height was given 14 marks, which in total would come to 26 marks. It is submitted that there is no error in allocating the marks to the petitioner herein.

It is also pointed out that in the advertisement that was published, there was a clause regarding general instructions issued to the candidates who were advised to go through the guidelines/instructions for filing up the application form online and to be aware about the standing order issued governing the recruitment process of Constables in Punjab Police which standing orders were available on the Police Recruitment Portal. One of the instructions would be that in the event of candidates have equal marks, the candidates senior in age shall be put higher in the merit list. It is submitted that on the basis of the said instructions, all the

candidates having the same marks have been put in the waiting list as per their age and therefore, the petitioner being junior in age has been placed at serial No.20.

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

In view of a specific stand taken that 26 marks have been allocated to the petitioner taking into account her percentage in educational qualification and her height as also her placement in the merit list on account of her being junior in age, no ground to interfere is made out. Other than the arguments addressed, learned counsel for the petitioner has not been able to point out any deficiency in the merit list.

Consequently, the present petition is dismissed.

06.05.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No