

212-A

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

CWP-6688-2017

Date of decision: 14.10.2022

INDERPREET KAUR

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. S. Dalwal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A. G., Punjab.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed seeking to challenge the action of the respondents in not offering appointment letter to the petitioner herein for the post of Female Constable (District Police Cadre) pursuant to her having participated under advertisement No.1/2016 dated 31.05.2016 (Annexure P-1) and being selected and appointed for the said post.

Learned counsel for the petitioner would contend that the petitioner had applied online for the post of Female Constable (District Police Cadre) pursuant to advertisement No.1/2016 dated 31.05.2016. She was issued the registration number and accordingly, the requisite fee was deposited. She applied under the reserve category of Ex-Servicemen SC (R&O) and was called for physical test scheduled to be held on 30.08.2016 at PAP Stadium Ground, Jalandhar. She appeared for the said test and cleared the same and

submitted all the necessary documents. In the result published, she was shown to have secured 27 marks and was allotted District Ludhiana. However, the petitioner was not allowed to join in service, which has led to filing of the instant writ petition.

Learned counsel for the petitioner herein would contend that the action of the respondents in not offering appointment letter to the petitioner after the clearance of the physical test and medical fitness test being done is wholly arbitrary.

Notice of motion was issued as far back as on 30.03.2017, pursuant to which, reply has been filed on behalf of respondent Nos.1 to 3, wherein it is stated that the petitioner herein had applied for appointment under the aforesaid advertisement and has secured total 27 marks. She had applied under the reserve category of ESM SC (R&O), wherein the cut-off in the District Police Cadre (Female candidates) was 27 marks, but the name of the petitioner did not feature as a selected candidate on account of the fact that she was junior in age to the other selected candidates having the same marks and her name has been kept at serial No.10 in the waiting list and would come into the zone of consideration if any vacancy falls vacant.

I have heard learned counsel for the parties and have also perused the pleadings of the case as well as the reply filed by the respondents.

A categorical stand has been taken by the respondents-State that the petitioner herein has secured total 27 marks and cannot be offered appointment at this stage as she is junior in age, her date of birth being 13.03.1996 and candidates who have secured total 27 marks, being senior in age than the petitioner, have been selected.

Learned State counsel would submit that as per the provisions of the Policy/Standing Order No.1 of 2016 issued by the State of Punjab, it is mentioned that in case, candidates have scored equal marks, then preference will be given to the candidates who are senior in age and the same has been done in the instant case.

Consequently, the instant writ petition is disposed of holding that the petitioner herein though having necessary marks is not being considered in terms of Policy/Standing Order No.1 of 2016 of the State of Punjab and there is no infirmity in the action of the respondents for any writ, order or direction to be issued.

It is however observed that the respondents may consider the candidature of the petitioner herein, for appointment, as per her position in the waiting list, in case any vacancy arises within the stipulated period.

14.10.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No