

220.

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

CWP-9201-2018

Date of Decision: 06.04.2022

GURDEV SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Daman Jeet Bhorawal, Advocate, for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

JAISHREE THAKUR.J

The petitioner herein has filed the instant writ petition under Articles 226/227 of the Constitution of India for issuance of a writ of mandamus claiming appointment to the post of Constable as advertised vide advertisement No.1/2016 against Ex-Servicemen General category and further for issuance of a writ in the nature of certiorari for quashing the impugned provisional merit list.

In brief, the facts are that the State of Punjab advertised the posts of Male and Female Constables in District Police Cadre and Armed Police Cadre vide its advertisement No.1/2016, dated 31.05.2016. In all, 7416 posts were advertised. The petitioner, who was an Ex-Serviceman General category, applied for the aforesaid post in both the District Police Cadre and Armed Police Cadre and was given roll numbers. The petitioner qualified the minimum educational qualifications as set out in the advertisement and also passed the physical measurement test as well as

physical screening tests successfully. It is submitted that as per the criteria mentioned in the advertisement and the standing order, the petitioner would have a score of 25 marks i.e. 11 marks for educational qualification and 14 marks for height i.e. 5' 11", but he has not been considered for selection for the above said post. It is the grievance of the petitioner that a person who scored 24 marks has been placed in the revised merit list which has caused great prejudice to the petitioner herein.

It is contended that the petitioner has approached the respondent-Selection Committee by way of representation but the same was not considered which necessitated the filing of the instant writ petition.

Learned counsel appearing on behalf of the respondent-State would submit that there is no infirmity in the selection process or the marks allocated to the petitioner herein. It is contended that the petitioner herein on the basis of his educational qualification had been given 11 marks and on the basis of his height which was measured at 5'10.75" was given 13 marks. It is submitted that in the Ex-Servicemen General category, the cut off score in the Armed Police Cadre Male was 25 marks and similar was the benchmark of 25 marks in the District Police Cadre. The petitioner herein had obtained 24 marks and, therefore, could not be considered for appointment. It is submitted that no one having lesser marks than the petitioner has been given appointment. In fact respondent No.4-Rajwinder Singh has obtained 26 marks instead of 24 marks, as claimed by the petitioner herein. It is submitted that said respondent got 13 marks for his height, 11 marks for his educational qualification and 2 marks extra for his deployment in Black Cat Commando- National Security Guard which is in terms of para 9 of the

advertisement. It is submitted that the writ petition, being without merit, deserves to be dismissed.

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

The grouse of the petitioner herein is that he had obtained 25 marks and a person in the merit list having got 24 marks had been offered appointment. However, a perusal of the written statement and the advertisement filed, would reflect that respondent No.4 had obtained 13 marks on account of his height, 11 marks on account of his educational qualification and additional 2 marks on account of his having served in Special Forces/NSG (Special Action Group). In all, the said respondent has 26 marks over and above the marks of the petitioner. It is also the pleaded case of the respondent that in the District Police Cadre and the Armed Police Cadre, 25 marks was the cut off score. The petitioner herein did not have the necessary score to be considered for appointment.

At this stage, learned counsel appearing on behalf of the petitioner would argue that the petitioner too have the necessary certificate of being a qualified Instructor and he too would be entitled to additional 2 marks. However, this argument is noted to be rejected as there is nothing on the record to establish that he was a qualified Instructor entitled to get additional 2 marks in terms of clause 9 of the advertisement.

Consequently, the present writ petition stands dismissed.

06.04.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

(JAISHREE THAKUR)
JUDGE