

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

CWP No.30863 of 2019

Decided on:05.05.2022

Vikas

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ajay Shekhawat, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

JAISHREE THAKUR J. (ORAL)

The petitioner by way of instant petition seeks issuance of a writ in the nature of mandamus directing respondent No.2 to consider candidature of the petitioner for appointment to the post of Sub-Inspector (Male) in General Category in view of the fact that cut off for the General Category is 55.40 marks. The petitioner has obtained 54.60 marks for written examination and socio-economic criteria and in case 1 mark for question No.50 of the Test Booklet Series 'I' is given to the petitioner, his total marks would be 55.60, thus, making him eligible for appointment.

Learned counsel appearing for the petitioner would contend that the petitioner participated in the selection process for the post of Sub-Inspector (Male) in General Category and has obtained 49.60 marks in the written examination and on addition of 5 marks for socio-economic criteria, his marks came to be 54.60. It is further contended that the petitioner had given option 'B' for question No.50 of Test Booklet Series 'I', which is correct according to the petitioner as per answers given in three books, extracts of which are attached with the petition as

Annexure P-11 (colly). It is also contended that in case 1 mark for question No.50 is given to the petitioner, he will get more marks than the last selected candidate in General Category and would be entitled for appointment.

Learned counsel appearing for the respondent-State would submit that after uploading result on the website of the Commission on 17.12.2018, objections were called from the candidates regarding any answer at the e-mail so mentioned in the notice from 17.12.2018 to 19.12.2018. The petitioner herein had not raised any objection in the manner prescribed in notice dated 17.12.2018. It is further submitted that in view of the objections received from the candidates, the answer key was revised, according to which correct answer for question No.50 is option ‘C’ instead of ‘B’ and therefore, owing to lesser marks obtained by the petitioner than the last selected candidate, he does not fall in the selection zone.

I have heard learned counsel for the parties and have perused the paper book. This Court on the last date of hearing i.e. 18.04.2022 had noted the contention of the respondent-State that the petitioner is ineligible for giving appointment as he has obtained 54.60 marks whereas the cut-off for General Category is 55.40 and faced with the situation, the petitioner had sought time to get necessary instructions. Today, counsel for the petitioner has not disputed the position regarding ineligibility of the petitioner in view of the fact that he has obtained lesser marks than the last selected candidate and therefore, would not be entitled for appointment.

In view of the aforementioned fact, the instant petition stands dismissed being devoid of merit.

(JAISHREE THAKUR)
JUDGE

May 05, 2022
Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No