

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

CWP-1-2022 (O&M)

Date of decision : 18.01.2022

Pooja Devi and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saqib Ali Khan, Advocate,
for the petitioners.

MAHABIR SINGH SINDHU, J.

Prayer in the instant petition filed under Article 226 of the Constitution is for issuance of a writ in the nature of Certiorari for quashing the result (P-9) of Stage-I written examination held in pursuance of advertisement dated 16.07.2021 (P-1).

Facts are not in dispute. Vide advertisement dated 16.07.2021 (P-1), applications were invited for recruitment of 'Constables' i.e. 2015 vacancies in District Police Cadre and 2343 vacancies in Armed Police Cadre. The petitioner applied against both categories. As per the advertisement, the selection process consisted of two stages i.e. Stage I – Objective-type written test (OMR based/offline test) which shall include multiple choice questions; and Stage II - (i) document scrutiny; (ii) Physical Measurement Test (PMT) & (iii) Physical Screening Test (PST). Both PMT & PST shall be qualifying in nature. The written examination was held in total four shifts, i.e. two shifts each on 25.09.2021 and 26.09.2021. The petitioners appeared in the written examination on the scheduled date, time

& venue. On 26.11.2021, a list of short-listed candidates along with category-wise cut-off scores (after normalization) for appearing in Stage II of the recruitment process was uploaded on the official website, however, petitioners' names did not figure in the said list.

Learned counsel contends that after displaying the result, the respondents uploaded the marks of every candidate on their individual IDs issued by respondent No.3. From the perusal thereof, it came out that the marks of the petitioners, including those who had appeared in the written test in the same shift were either increased or decreased. It shows that the criteria of 'normalization of marks' has not been implemented in proper perspective and undue benefit has been given to some of the candidates inasmuch as it is not possible that candidates scoring same marks in the same shift get different marks after normalization.

Heard learned counsel for the petitioner and perused the paper-book.

It transpires that none of the candidates who were declared successful vide result (P-9) has been impleaded as party respondent. It is quite elementary that no one should be condemned unheard and this principle of common law has been followed since long (*audi alteram partem*) among almost all jurisdictions of the world. There is no quarrel that in our country, this core principle is well engrained under Articles 14 & 21 of the Constitution. Having noticed the above fundamental flaw, it would not be appropriate for this Court to entertain the present petition. As a result thereof, there is no option except the dismiss the writ petition.

Ordered accordingly.

However, petitioner(s) would be at liberty to file fresh writ petition on the same cause of action with better particulars after impleading the affected persons as party-respondents, if so advised.

18.01.2022
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No