

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

**CWP No. 28617 of 2022 (O&M)
Date of Decision: 13.12.2022**

Mandeep Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Baljeet Singh Sidhu, Advocate
for the petitioners.

JAISHREE THAKUR, J.

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ or direction especially in the nature of Mandamus directing the respondents to take into consideration the higher marks secured by the petitioners in 10+2 examination and height of the petitioners and thereafter include their names in the final merit list and offer appointment.

2. In brief, the facts are that respondent No. 2 issued an advertisement for recruitment of 7416 Male/Female Constables in District Police Cadre and Armed Police Cadre on 31.5.2016 and the last date for submission of applications online was 21.06.2016. The minimum educational qualifications was 10+2 from a recognized Education Board/University with the candidates having passed matriculation examination with Punjabi as one of the compulsory or elective subjects. The minimum height requirement for recruitment for female candidate was

5'3” (5 feet 3 inches). The petitioners, both being female, applied under the said advertisement and cleared the physical measurement test. The details of the petitioners roll numbers, category, marks obtained in height and educational qualification and the total marks are as under:-

“Petitioner No.1 (Mandeep Kaur)

Roll No.	11229762
Category	SC (M&B)
Date of Birth	23.03.1994
Marks of height	5'5.5”+=12
Marks of educational qualification i.e. 10+2	74.6%=14

Petitioner No.2 (Kiranjeet Kaur)

Roll No.	11126089
Category	General
Date of Birth	02/03/97
Marks of height	5'6.5”+=13
Marks of educational qualification i.e. 10+2	80.4%=15”

As is apparent from the table reproduced above, petitioner No.1 was given total 26 marks, whereas petitioner No.2 was given total 28 marks.

3. Learned counsel appearing on behalf of the petitioners herein would contend that in fact the persons having lower marks in educational qualifications with less height have been offered appointment, whereas the claim of the petitioners has been ignored. In fact, great stress has been laid on the candidature of one Mandeep Kaur daughter of Chainchal Singh, of SC (M&B) category, having Roll No. 11226463, who has educational qualification with 73.60% and has been given 14 marks for her educational qualification. Again it is pointed out that one Sukhdeep Kaur daughter of

Sukhwinder Singh of SC (M&B) category with Roll No. 12222740 had got 73.90% marks in 10+2 and had also been given 14 marks. Similarly, Sharanjeet Kaur daughter of Buta Singh of SC (M&B) got 72.40% marks and she had also been given 14 marks. Petitioner No.1, who also belongs to SC (M&B) and obtained 74.6% marks in 10+2 has been given only 14 marks and has been ignored. A similar distinction has been sought to be made in the general category candidates. It is pointed out that proper marks have not been given for height as well.

4. The petitioners are seeking recasting of the merit list and for including their names therein. It is also argued that since petitioner No. 1 herein has the same marks as have been given to the persons in the merit list i.e. 26 marks (including education and height), as a last selection candidate in the merit list, the name of petitioner No.1 herein ought to be reflected in the merit list. It is submitted that the last selected candidate in the SC (M&B) category with 26 marks is Sukhdeep Kaur daughter of Gurmail singh, whereas the last person with 28 marks in the general category is Gurpreet Kaur daughter of Jaswant Sigh.

5. I have heard learned counsel for the petitioners and find no merit in the arguments as raised.

6. A perusal of the advertisement would reflect that the method of marking has been provided in para 9 of the advertisement. The same is reproduced as under:-

“Marks for performance in 10+2 Board Exam

<i>Percentage of Marks (10+2) Board</i>	<i>Marks</i>
<i>Upto and including 40%</i>	<i>10</i>
<i>More than 40% and upto & including 50%</i>	<i>11</i>
<i>More than 50% and upto & including 60%</i>	<i>12</i>
<i>More than 60% and upto & including 70%</i>	<i>13</i>
<i>More than 70% and upto & including 80%</i>	<i>14</i>
<i>Above 80%</i>	15 (Maximum)''

The petitioners herein and those against whom merit has been compared have been given 14 marks. A reading of the marking system would reveal that any candidate securing more than 70% and upto 80% would be given 14 marks which have been duly accorded to petitioner No.1 as well as the candidates against whom there is a comparison. The contention that the petitioners are having the same marks as the last selected candidate in the SC (M&B) category as well as in the general category, but they have not been brought in the merit list is without any merit. As per procedure for selection, in the event of two candidates securing equal marks, a candidate senior in age will be kept higher in merit. Petitioner No. 1 of SC (M&B) Category was born on 23.03.1994 whereas petitioner No.2 of General Category was born on 02.03.1997. The last selected candidate of SC (M&B) category having the same marks as that of petitioner No.1 was born on 09.06.1992, making her senior in age. Similarly, the last candidate selected in General Category having the same marks as that of petitioner No.2 was born on 23.10.1996, making her senior in age.

7. In view of the facts enumerated above, when the correct marks have been allocated to the petitioners as well as to the selected candidates and taking into consideration that the petitioners herein are junior in age,

there appears to be no infirmity or illegality committed in the selection process. Hence the instant writ petition being devoid of merit is dismissed.

13.12.2022
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No