

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

**CWP No.5350 of 2023  
Date of decision : 16.03.2023**

Abhinashpreet Singh Sohi ....Petitioner

Versus

State of Punjab and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Davinder Singh Saini, Advocate  
for the petitioner.

**PANKAJ JAIN, J. (ORAL)**

By way of present writ petition filed under Article 226/227 of the Constitution of India, petitioner prays for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to allow the petitioner to appear for the Stage-II test (of Physical Screening Test, Physical Measurement Test & Document Scrutiny) for the post of Sub Inspector in the cadre of District Police & Armed Police which already stands conducted on 17<sup>th</sup> of December, 2022.

2. The petitioner who is one of the applicants for the post of Sub Inspector in the cadre of District Police & Armed Police for which the applications were invited by respondents vide Public Notice bearing Advertisement No.1/2021 published on 6<sup>th</sup> of July, 2021. The petitioner appeared in the written examination and cleared the same. As per the pleadings, he was short-listed for the post of Sub Inspector and vide

communication dated 2<sup>nd</sup> of December, 2022 was asked to appear for Stage-II test scheduled on 17<sup>th</sup> of December, 2022. However, the petitioner on 17<sup>th</sup> of December, 2022 was engaged in giving another examination pertaining to selection of Probationary Officer in the State Bank of India and thus opted not to appear. Hence, this writ petition.

3. Counsel for the petitioner submits that the petitioner informed the authorities in advance of his handicap and *qua* the selection the candidates who could not appear due to any reason for Stage-II examination had been granted one opportunity to appear again. Reliance is being placed upon Annexure P-7 which is a document related to Punjab Police Recruitment (Sub-Inspectors and Constables) in Technical and Support Services (TSS) Cadre. He thus submits that similar chance ought to have been granted to the petitioner as well.

4. I have heard counsel for the petitioner and have gone through records of the case.

5. Admittedly, the petitioner opted not to appear in the examination as he was more interested in the other examination i.e. of Probationary Officer in the State Bank of India. By way of present writ petition, petitioner seeks writ in the nature of mandamus. In order to claim writ of mandamus the two requirements that are necessary to be fulfilled are :-

- (i) The petitioner must show that he has a legal right vested in him *qua* the relief being claimed.

(ii) He must show that there is a corresponding duty casted the respondent to grant the said relief.

6. In the considered opinion of this Court, case of the petitioner is found to be wanting on both the counts. Once the petitioner himself opted to give preference to the other test, he cannot thereafter claim another chance as a matter of right. In case such writ petitions are entertained while exercising jurisdiction under Article 226/227 of the Constitution of India, no selection process can ever be finalized.

7. Resultantly, finding no ground to interfere the present writ petition is dismissed.

March 16, 2023  
Dpr

(PANKAJ JAIN)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No