

2023:PHHC:047739

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

CWP-12250-2021

Date of decision : 16.03.2023

Hardeep Singh

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Tarundeep Kumar, Advocate for
Mr. D.S. Pheruman, Advocate
for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

By way of present writ petition, the petitioner seeks issuance of a writ in the nature of mandamus directing the respondents to consider the petitioner for Group D post as per public notice dated 31.05.2019 (P-1).

2. Respondents invited application for Special Recruitment Drive for disabled persons only vide public notice dated 31.05.2019. In service Group D, 49 posts in Municipal Corporation and 02 in Municipal Council total amounting to 51 number of posts for the post of Beldar, Mali, Mali-cum-Beldar, Mali-cum-Chowidar, Mali-cum-Beldar-cum-Chowidar and Road Gang Beldar were advertised in the pay scale of Rs.4900-10680+1650. The petitioner participated in the process and was placed at Sr. No.90 in the waiting list.

3. Counsel for the petitioner submits that as per the instructions contained, a person senior in age was to be preferred. The petitioner being senior most in age ought to have been considered in preference.

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4. Per contra, State counsel submits that since the petitioner is placed at waiting list that too at Sr. No.90, the preference clause will not come into play.
5. I have heard counsel for the parties and gone through records of the case.
6. Question of exercise of preferential right vested in the petition will arise only once the petitioner earns merit at par with his competition. Preference for merely being senior in age is not an independent right available to him dehors the merit.
7. Keeping in view that the petitioner is far below in the merit list, no ground to interfere while exercising jurisdiction under Article 226/227 of the Constitution of India is made out.
8. Resultantly, the present writ petition is dismissed.

(PANKAJ JAIN)
JUDGE

16.03.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No