

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

112

CWP-12272-2023

Date of Decision: 31.05.2023

Rishi Raj Sharma and another

....Petitioners.

Versus

State of Punjab and others

...Respondents.

**CORAM: HON'BLE MRS. JUSTICE JAISHREE THAKUR
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

.....

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Varun Veer Chauhan, Advocate
for the petitioners.

JAISHREE THAKUR, J. (Oral)

The present writ petition has been filed seeking to challenge Rule 5.4 of the Standing Order No.7 of 2021, issued under Rule 9 of Punjab Police (Technical and Support Services) (PPTSS) Cadre Group-C, Service Rules, 2021 and consequently to revise the final result that has been prepared pursuant to an advertisement issued by the Punjab Police for recruitment of 267 posts of Sub-Inspectors (Technical and Support Services) (PPTSS) Cadre, under 18 different domains.

Learned Senior Advocate appearing for the petitioners would argue that various posts have been advertised as would be evident from Clause 5 of the advertisement (Annexure P1). The petitioners herein had

applied under the Programming/ Coding category of Grouping 3, where the advertisement reflected that 28 candidates were to be selected under the said category. The educational qualifications were specified under Clause 7.4 of the advertisement. It is submitted that the petitioners applied and were successful in the merit list, however, are now aggrieved with Rule 5.4 of the Standing Order No.7 of 2021 issued under Rule 9 of Punjab Police (Technical and Support Services) (PPTSS) Cadre Group-C, Service Rules, 2021, wherein it has been specified that “the merit list shall be drawn in a combined manner and reservation roster shall be applied on the combined merit list and not on the individual Domains/ Specializations and in the process, different Domains/ Specializations may have different cut off marks”. It is submitted that on the basis of this Rule, 28 persons who have been selected are all from various reserved categories other than the general (male) category.

The argument as raised may have merit but this Court is not inclined to interfere in the present case, considering the fact that the petitioners herein were well aware of this Rule at the very first instance as the same was part of the advertisement, reflected at Clause 9.6 of the advertisement, pertaining to the preparation of the selection list. Relevant clause 9.6.1 is reproduced as under:-

“For preparation of Selection List, the Reservation roster shall be applied as per the State Government instructions on the combined merit list and not on the individual Domains/

Specializations. The candidates shall be selected in their respective Reservation categories and shall be allocated to a particular Domain/Specialization as per their overall merit prepared on the basis of aggregate marks of Test 1 and Test 2 as prepared in clause 9.5.1 hereinbefore.”

Having participated in the selection process, being well aware of the terms and conditions, the petitioners herein cannot be permitted now to challenge the select list and denial of appointment to them.

The law in this regard is very much clear wherein it has been held that a candidate is not entitled to challenge the criteria of process of selection after having participated in the same. Reliance in this regard is placed on judgments rendered by the Hon'ble Supreme Court in **Manish Kumar Shahi Vs. State of Bihar and others, (2010) 12 SCC, 576** and **Madras Institute of Development Studies and another Vs. K. Sivasubramaniyan and others (2016) 1 SCC, 454**. Even a Division Bench of this Court in CWP-22720-2019, **Kavita Kumari Vs. State of Haryana and others**, decided on 27.08.2019 has held that the petitioners after having participated in the selection process under the rules, cannot be permitted to challenge the same subsequently.

The grievance, if any, could be addressed before the Appellate Authority in terms of Clause 16 of the advertisement or the Government for modification of the Rule 5.4 of the Standing Order.

The writ petition is disposed of accordingly.

The request for modification as and when filed, to be decided
in accordance with law.

(JAISHREE THAKUR)
JUDGE

(SUKHVINDER KAUR)
JUDGE

31.05.2023
Komal

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