

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

2023:PHHC:068939

CWP-10156-2017

Date of decision: 12.05.2023

SIKANDER PURI

..Petitioner

Versus

STATE OF PUNJAB & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.K. Gautam, Advocate
for the petitioner.

Mr. Navdeep Chhabra, Sr. DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. The petitioner while filing the writ petition under Article 226 of the Constitution of India prays for the following substantive reliefs:-

“i) issue a writ in the nature of certiorari thereby quashing the impugned selection list dated 20.04.2017 of 919 candidates (Annexure P-9), which has been finalized by the respondents, after the completion of last counselling process, conducted on 27.04.2017, as per the grounds taken in the writ petition;
*ii) issue a writ in the nature of **Mandamus** thereby directing the respondents, thereby directing the respondents, to consider the name of the petitioner in the general category after finalizing the fresh list of category wise from eligible candidates, keeping in view the terms and conditions, incorporated in the letter dated 24.11.2016 and to decide the representation dated 05.04.2017 (Annexure P-6) of the petitioner and in alternate to consider his name, for the appointment of Multipurpose Health Worker (Male) in the category of Backward Class, being candidate belonging to the Backward class community to consider the case of the petitioners,*
iii) arrears of salary becoming due to be payable on account of filing the present writ petition may kindly be ordered to be paid along with interest at the rate of 12% per annum;

2. He applied for the post of Multipurpose Health Worker (Male) against the General category post pursuant to the recruitment notice issued in November, 2016 for appointment of 1263 Multipurpose Health Workers. He appeared in the written exam and secured 408 marks. The candidates who had

secured upto 400 marks were invited to attend the counselling session. At the stage of counselling, the petitioner requested to change his category from General to reserved as he failed to secure appointment in the General category. Ultimately, the respondent prepared a list of 919 candidates who were selected and appointed. It is not the case of the petitioner that any General category candidate who had secured lesser marks than the petitioner, has been appointed.

3. On 20.04.2023, the following order was passed:-

“It is evident from the reading of para 11 of the reply filed by the Director, Health Services (Family Welfare), Punjab, Chandigarh, that after the judgment passed on 23.05.2018 in CWP-312-2017, the appointment orders were in the process of being reviewed.

Keeping in view the aforesaid facts, the learned counsel representing the State of Punjab is directed to inform the Court about the subsequent progress, if any.

List on 12.05.2023, in the urgent list.”

4. On instructions from Tashpinder Singh, Superintendent Grade I, Office of DHS, Chandigarh, Punjab, the learned counsel representing the State of Punjab has submitted that the last selected candidate had secured 412 marks in the open category, whereas, the petitioner secured only 408 marks in the written examination. He further disclosed that the appointing authority does not wish to make any further appointment pursuant to the aforesaid scrutiny list.

5. Keeping in view the aforesaid facts and discussion, no ground to issue the writ as prayed for, is made out.

6. Dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

May 12th, 2023

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No