

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-15348-2016 (O&M)
Date of Decision:-7.8.2023

Balwant SinghPetitioner

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S. Sidhu, Advocate with
Mr. Mohit Kumar, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

Mr. Arshdeep, Advocate for
Mr. Manbir Singh, Advocate and
Mr. Tushar Sharma, Advocate for respondent No.4.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks quashing of order dated 19.2.2015 (Annexure P-2) vide which revised result was declared, wherein the name of petitioner was missing although the name of petitioner figured in the earlier selection list dated 19.11.2014.
2. Learned counsel representing the petitioner submitted that the name of petitioner has been removed from the list of selected candidates without assigning any reason and in an arbitrary manner and even without issuing any notice to the petitioner.

3. Opposing the petition, learned State counsel has submitted that the mere publishing of the result would not confer any right on the petitioner particularly in case the said result is revised upon some mistake having been noticed, as in the present case. The learned State counsel has referred to relevant extracts from para No.1 of preliminary submissions and para No.2 of reply on merits filed on behalf of the respondents, which read as under:

“Para No.1 of preliminary submissions

.....The name of the petitioner alongwith the other candidates were included in the list of selected candidates in Scheduled Caste Category and thereafter individual letters were issued. It is relevant to mention here that after the issuance of letters for Medical Examination, an inadvertent mistake in the preparation of merit list of Majhbi/Balmiki and Ramdasia/Others, sub-categories of SC Category was detected. Instead of 50:50 ratio of sub-categories as per Punjab Schedule Caste and Backward Classes Reservation in Service Act 2006, the merit list had been prepared purely on merit of SC category candidates without further bifurcation into the sub-categories. After rectification, a fresh list was prepared, as per the Punjab Schedule Caste and Backward Classes Reservation in Service Act 2006 and the same was uploaded on official website of Punjab Police Academy Phillaur i.e www.punjabpoliceacademy.com after the approval of the Director, Punjab Police Academy, Phillaur.

Para No.2 of reply on merits

2. That the contents of para No.2 are admitted being matter of record. However, it is pertinent to mention here that Annexure P-1 was issued but later on an inadvertent mistake was detected and it was found that the merit list was not prepared as per Punjab Schedule Caste and Backward Classes Reservation in Service Act 2006. After rectification, another result list of Scheduled Caste Category was issued as per Punjab Schedule Caste and Backward Classes Reservation in Service Act 2006

and that the petitioner was duly informed regarding above said fact vide letter No.7818/A-4 dated 19.2.2015. It is also pertinent to mention here that the petitioner Sh. Balwant Singh having Roll No.16652 with total score 70 out of 100 marks had scored fewer marks than the last candidate Sh. Ranjit Singh having roll No.1959 with total score 71 marks out of 100 marks who had been selected in the Ramdasia/Others sub-category of SC category. There are candidates in the waiting list of Ramdasia/other sub category of SC category. The Annexure R-2 enclosed with the reply shows that the petitioner stands at serial No.3 in the waiting list. It is also pertinent to mention here that no candidate has been selected from waiting list of Ramdasis/other sub category of SC category. The rest of the para is denied being wrong.”

4. Section 4 of The Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006 (hereinafter referred to as ‘*the Act*’) clearly provides for the distribution of the vacancies in category of Scheduled Caste in Sub-categories. While 50% of the posts are to be given to Balmiki’s and Majhbi Sikhs in the first preference, the remaining are to be given to Ramdasia/other categories of Scheduled Caste. Section 4 of the Act reads as under:

“4. Percentage of Reservation. -

- (1) While making appointments in services by any of the methods, provided under any Service Rules, reservation shall be made for the members of the Scheduled Castes and Backward Classes in the services under all the establishments.
- (2) The percentage of reservation for filling up the vacancies by direct recruitment or by transfer in Group 'A', Group 'B', Group 'C' and Group 'D' services, shall be twenty-five per cent for Scheduled Castes and twelve per cent for Backward Classes.

- (3) The percentage of reservation for filling up the vacancies by promotion by Scheduled Castes in Group 'A' and Group 'B' Services shall be fourteen per cent.
- (4) The percentage of reservation for filling up the vacancies by promotion by Scheduled Castes in Group 'C' and Group 'D' Services shall be twenty per cent.
- (5) Fifty per cent of the vacancies of the quota reserved for Scheduled Castes in direct recruitment, shall be offered to Balmikis and Mazhbi Sikhs, if available, as a first preference from amongst the Scheduled Castes.
- (6) Reservation shall be implemented by reserving vacancies by means of a running roster, as may be prescribed till the percentage of reservation, as specified in sub-sections (2), (3) and (4), are completed.
- (7) Reservation shall be applicable to vacancies to be filled on ad hoc basis, short term vacancies, work charged establishment, daily wages staff and the staff engaged on contract basis.
- (8) Reservation shall also be applicable to proforma promotion and appointment by transfer.”

5. Examining the reply filed by State wherein details of posts have been mentioned in light of provisions of Section 4 of the Act, it is borne out that result has been revised to rectify the error which was there in the result initially declared. The revised result is in tune with provisions of Section 4 of the Act as regards reservation whereas the result initially declared was not in accordance with percentages of reservation prescribed by Section 4(5) of the Act. While the name of petitioner figured in joint merit list but when said merit list was rectified by preparing separate merits list of two sub-categories, the petitioner would not make it. The erroneous merit list prepared initially will not vest the petitioner with any right. The respondents having rectified the error, which was there in the initial selection list, cannot be said to have

acted in an arbitrary manner, so as to justify any interference. As such, no ground for quashing the impugned revised selection list is made out. The instant petition is sans merit and is hereby dismissed.

7.8.2023
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No