

CWP-136-2017 (O&M)
and other connected cases 1 2023:PHHC:054895

107-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.CWP-136-2017 (O&M)

Kuljeet Kaur
....Petitioner

Versus

State of Punjab and another
..Respondents

2.CWP-1872-2017 (O&M)

Gurmail Singh and others
....Petitioners

Versus

State of Punjab and others
..Respondents

3.CWP-17486-2018 (O&M)

Vishal and others
....Petitioners

Versus

State of Punjab and another
..Respondents

4.CWP-7434-2017 (O&M)

Gaurav
....Petitioner

Versus

State of Punjab and another
..Respondents

5.CWP-4078-2017 (O&M)

Inderjit Singh
....Petitioner

Versus

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State of Punjab and another

..Respondents

6.CWP-2772-2018 (O&M)

Satdev and another

....Petitioners

Versus

State of Punjab and others

..Respondents

Date of decision: 19.04.2023

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Saurabh Arora, Advocate for the petitioners
in CWP-136-2017 and CWP-7434-2017

Mr. Gurpreet Singh Dhillon, Advocate
for the petitioners in CWP-1872-2017, CWP17486-2018
and CWP-2772-2018

Mr. Arunjeet Singh Kakkar, Advocate for the petitioner
in CWP-4078-2017

Mr. D.K.Singal, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

1. By this order, six Civil Writ Petitions i.e CWP-136-2017, 7434-2017, 1872-2017, 4078-2017, 7434-2017, 17486-2018 and 2772-2018 shall stand disposed of.

2. Learned counsel representing the parties are ad idem that these writ petitions can conveniently be disposed of by a common order as the issue which arises for consideration is same in all the writ petitions.

3. Before discussing the contentions of the learned counsel representing the parties, it would be appropriate to take note of the relevant facts, in brief.

4. On 10.09.2016 a public notice was issued inviting the applications to fill up 1227 vacant posts of Revenue Patwari and 857 posts of Canal Patwari. A common written examination was conducted. After its result was declared, the process of scrutiny of documents was initiated. At that point in time, the candidates were given the option to choose between the positions of Revenue Patwari and Canal Patwari in the first stage. The post of Revenue Patwari is a District cadre post. The candidates were also given the option to choose a District. In essence, the grievance of the petitioners is that they belong to the reserved category and due to the choice made by meritorious reserve category candidates, the positions allocated for the reserved category have been exhausted, even though the meritorious reserved category candidates could have been accommodated under the General Category.

5. Learned counsel representing the parties while relying upon the judgment passed in **R.K.Sabherwal vs. State of Punjab (1995) 2 SCC 745** submits that the meritorious reserved category candidates may take up positions designated for the General category only if they obtain higher marks than the last candidate in the general category. However, it appears that this process was not followed which resulted in denial of the appointment to reserved category candidates.

6. On the other hand, the learned State counsel while relying upon the Five Judge Bench judgment in **Union of India vs. Ramesh**

Ram and others (2010) 7 SCC 234 submits that the meritorious candidates from reserved category should not be denied of the opportunity to select their department and District.

7. Learned counsel representing the petitioners have tried to distinguish the judgment in **Ramesh Ram's case (supra)** while contending that the aforesaid case relates to the selection to three All India Services namely Indian Administrative Service, Indian Forest Service and Indian Police Service and 15 Group A Service and 3 Group B Officers in the various Government Departments whereas in the present case, the appointment is to the post of Patwari, which is common in both the Departments.

8. This Court has considered the submissions and analyzed the arguments of the learned counsel representing the parties. In the considered opinion of this Court, the meritorious reserved category candidates cannot be denied of the opportunity to make a choice not only with respect to the Department but also the District. These candidates are high performing individuals. Hence, they cannot be deprived of an opportunity to make it to better service only to accommodate more reserved category candidates. In this case also, the recruitment is for 2 different services though the word 'Patwari' is common, however, in one case the selection is to the post of a Revenue Patwari in the Revenue Department whereas in the second case, the appointment is to the post of a Canal Patwari in the Irrigation Department. Their services are governed by a separate set of service rules. In these circumstances, the distinction sought to be made by the learned counsel representing the

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petitioners from the principle laid down in **Ramesh Ram's case (supra)** does not exist. Moreover, the selected candidates have not been impleaded as a party though their names were disclosed by the State alongwith the written statement. Additionally an identical issue has been considered by this Court in **Karan Kamboj and another vs. State of Punjab and another (CWP-3013-2023 decided on 28.03.2023)**. Hence, finding no merit, the writ petitions are dismissed.

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

19.04.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)
JUDGE**