

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 2366 of 2017(O&M)
Date of decision: 19.04.2023

Bal Krishan

..Petitioner

Versus

State of Punjab and others

..Respondents

CWP No. 7884 of 2017(O&M)

Jagsir Singh and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kapil Kakkar, Advocate
for the petitioners.

Mr. D.K.Singal, Addl.A.G., Punjab

ANIL KSHETARPAL, J(Oral)

1. These two identical writ petitions have come up for final disposal. The learned counsels representing the parties are ad-idem that the issue sought to be adjudicated in both the writ petitions is same.

2. Before adverting to the arguments of the learned counsel representing the parties, it would be appropriate to take note of brief facts to complete the narration:

A common recruitment notice was issued on 10.09.2016 while inviting online applications for direct recruitment to fill up 1227 posts of Revenue Patwari and 857 posts of Canal Patwari. As per the procedure laid down in the recruitment notice, a common written test was held. After

declaration of the result, counselling schedule was published in order to check the correctness of documents of the candidates. The petitioners herein are claiming reservation under Ex-servicemen General Category. As per the public notice dated 10.12.2016, Ex-servicemen General Category candidates were called for counselling on 12.12.2016. All the candidates, who had cleared the written examination were entitled to participate in the counselling. On 12.12.2016, another public notice was issued while granting second chance to attend the counselling on 13.12.2016. On 13.12.2016, another public notice was issued giving another opportunity to the ex-servicemen, who had already submitted their documents to report for counselling on 14.12.2016 at 10.00 a.m.

3. The petitioners did not attend the counselling either on 12.12.2016, 13.12.2016, and 14.12.2016. Another public notice was issued on 17.12.2016 to all the candidates belonging to Ex-servicemen General Category, who could not attend the counselling previously. This was the final opportunity.

4. The grievance of the petitioners is that they are more meritorious than the selected candidates in the Ex-servicemen General Category, hence entitled to appointment in preference to the private respondents.

5. On the other hand, it is the stand of the State that on 12.12.2016, 13.12.2016 and 14.12.2016, the counselling was held and the select list was prepared. On 17.12.2016, only vacant posts were sought to be filled up by giving another opportunity, though not required. It is submitted that on conclusion of the counselling on 14.12.2016, the select list was

prepared and the private respondents were selected strictly in accordance with the marks obtained by them in the written examination.

6. This Court has considered the submissions and analyzed the arguments of the learned counsels representing the parties.

7. The question is “Whether the petitioners, who admittedly did not attend the counselling on 12.12.2016, 13.12.2016 and 14.12.2016 should be given preference over the private respondents?”

8. Once, it is not in dispute that the petitioners failed to attend the counselling, though given two opportunities, they cannot be given any preference over and above the private respondents, who attended the counselling.

9. Hence, no ground to issue the writ as prayed for is made out.

10. Dismissed.

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

April 19, 2023

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*