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

CWP-7577-2017

Date of decision : 05.09.2023

Manit Kumar

...Petitioner

Vs.

**Punjab State Small Industries and Export
Corporation Ltd. and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Kiran Verma, Advocate
for the petitioner.

Mr. C.L.Pawar, Advocate and
Mr. Rubal Pawar, Advocate
for respondent No.1.

DEEPAK MANCHANDA, J.(Oral)

1. Petitioner has filed this writ petition under Article 226 Constitution of India seeking a writ of certiorari for setting aside result of recruitment test held for the Post of Peon, whereby he has been wrongly placed on the 7th rank as well as quashing of answer key on the basis of which petitioner has not been considered for the said post. Further, prayer is for a writ of mandamus directing the respondent No.1 to re-check the answers of question Nos.48 and 69 in (Set B) of the question paper and to re-issue the answer key and result.

2. Learned counsel for the petitioner submits that by way of

advertisement in October, 2016 (Annexure P-1), the respondent No.1 invited online applications for various categories including ten posts for Peon out of which five posts were reserved for SC category (under the pay band and grade pay of Rs.4900-10680+1650) and the petitioner submitted his online application, being fully qualified as per eligibility criteria. Thereafter, he appeared for the written test held on 20.11.2016 and secured 62 marks and was placed at Sr.No.7 in the merit list. She further submits that when petitioner downloaded the answer key, he came to know that answers for question Nos.48 and 69 were incorrect and he was placed at S.No.7. According to her, respondent Nos.2 to 7 scored less than the petitioner i.e.62 marks and if the result is declared as per correct answers, petitioner would secure second place. Aggrieved against this, petitioner submitted representation to the Chief Manager, PSIEC, but no response was received, therefore, the petitioner has approached this Court to seek redressal of his grievance. She prays that the impugned result list i.e. Annexure P-9 be set aside and the petitioner be considered for the post of Peon.

3. Learned counsel representing respondent No.1 has invited the attention of the Court to the reply, wherein it is stated that as per the advertisement published by the department, if there is any objection to the answer, the same shall be filed by the candidate on the prescribed objection form, which is available on the website within a period of three days from the date of conducting the written test along with the proof in support of the objection, but the petitioner has not filed any objection in the prescribed form. Further, the candidate was to deposit the fee of Rs.575/- per question for every objection raised by him, which was also not deposited by the petitioner. Apart

from this, petitioner is not entitled for the post as he is placed at S.No.7 on the basis of merit, whereas there were only five vacancies available for the reserved category. He prays that the writ petition be dismissed.

4. Learned counsel for the parties have been heard and case file has been perused carefully.

5. At the outset, as per pleadings, the petitioner applied for the post of peon, and when he was found ineligible, raised questions about the process of selection by way of filing the present petition. As per the advertisement (Annexure P-1), where it was specifically mentioned that in case of any grievance or being dissatisfied with the result, liberty was granted to the candidates for raising objections vide Clause Serial Nos. 8 and 9. The petitioner could have filed objections to any answers in the prescribed objection form available on the website within three days from the date of conduct of the written test along with relevant documents to prove in the form of a book, relevant article etc. by depositing the requisite fee. It is also clearly mentioned that if any such objection is not raised by him/her within three days from the declaration of the result, then the same would not be entertained.

6. At this stage, it is required to be noted that in compliance with the terms and conditions prescribed in the advertisement before filing of the present writ petition, no such objection was ever raised by the petitioner and at that time only 5 posts were available under the reserved category. The petitioner secured 62 marks and his name was figured at serial No. 7 in the merit list of candidates belonging to Scheduled Caste (Balmiki/Mazbhi) and as per the reply dated 19.09.2018, the petitioner and respondent Nos.2 to 7 secured 62 marks and the petitioner was shown at Sr.No.7 in the merit list of

candidates from amongst Scheduled Caste (Balmiki/Mazbhi) on the basis of the age of the candidates I.e.senior in age has been placed before the junior in age, while determining merit list. The respondent Nos. 2 to 7 being senior in the merit had a better claim against the petitioner. Moreover, to controvert the stand taken by the respondents no replication has been filed and the same has gone unrebutted.

7. In light of the above, the present petition being devoid of merits, is dismissed.
8. Pending application(s), if any, shall also disposed of.

(DEEPAK MANCHANDA)
JUDGE

05.09.2023
vanita

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