

208-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8695-2017 (O&M)

Date of Decision:01.12.2023

RAJESH KUMAR

.....Petitioner

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Saurabh Arora, Advocate
for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioner has preferred this Writ Petition praying for directing the respondents to consider his case on the post of Peon (Field) as he is duly eligible for selection on the said post as some posts were still lying vacant.

2. It is the case of the petitioner that the persons possessing minimum qualification were selected and appointed, whereas, the petitioner was left out. It is stated that 30 posts are still lying vacant.

3. The respondents have filed their reply and it is stated that the Chairman, Selection Committee has recommended the names of 18 candidates, who were Graduates and 51 candidates, who had passed 10+2 in the category of Hearing Impaired. Thus, total 69 posts were exhausted. The last candidate selected in the Graduate category scored 42.625 marks while the last candidate selected in 10+2 category scored 57.33 marks. The merit of the petitioner as per 10+2, scored 38.44 marks, while the petitioner did not

mention of having passed Graduation (B.A. Pass) in his application form. Hence, he was not considered in the Graduation category rather the petitioner only mentioned of having passed Matric and 10+2.

4. I have considered the submissions of learned counsel for the parties.

5. Having noticed the aforesaid facts, this Court finds that as the posts have been reduced from 99 to 69, the petitioner could not fall within the merit. The action of the respondents in refusing the number of posts cannot be examined in Writ jurisdiction. The same is in exclusive domain of the respondents to reduce the number of posts as corrigendum was also issued in this regard. Therefore, it cannot be said that the same has been done by the respondents after the selection has been made. The contentions of the petitioner to the effect that 30 posts under reference are lying vacant cannot be accepted.

6. In view of the aforesaid discussion, no case for interference of this Court is made out. The Writ Petition fails and the same is accordingly **dismissed**.

7. All the pending applications in this Writ Petition stand disposed of accordingly.

December 1, 2023

Ess Kay

[SANJEEV PRAKASH SHARMA]

JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>