

2023:PHHC:148904-DB
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

117-2

LPA-1416-2023 (O&M)
Date of decision: 22.11.2023

Jagdish Kumar and another

..Appellants

Versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Sukhdev Raj Kamboj, Advocate for the appellants.

Ms. Lavanya Paul, DAG, Punjab.

RITU BAHRI, ACTING CHIEF JUSTICE (Oral)

CM-3598-LPA-2023

For the reasons stated in the application, same is allowed and delay of 139 days in filing the appeal is condoned.

Main Case

The appeal is being filed against order dated 15.03.2023 passed by Learned Single Judge in CWP No.29274 of 2018, vide which the said petition was dismissed.

The appellants have come up in appeal against the judgment dated 15.03.2023 passed by the Learned Single Bench vide which CWP No.29274 of 2018 has been dismissed on the ground that the appellants did not implead the selected/appointed candidates in the writ petition.

Learned counsel for the appellants submits that the appellants being eligible for the post of Warders in pursuance to advertisement (Annexure P-1), applied for the same well in time. Thereafter, vide a corrigendum/amendment notice issued by the respondents, it was stated for the post of Warders, Matron and Jeep Driver as advertised vide advertisement No.2 of 2011, the recruitment process would not include the written test (Annexure P-2).

Learned counsel for the appellants argues that respondents’ selection should be set aside on the ground that they have dispensed with the written examination. This argument is liable to be rejected as after the advertisement was issued, appellants participated in the entire selection process without challenging the criteria and as per the criteria, the marks were to be given as per the educational qualifications and measurement of height.

Learned State counsel informs that as per the written statement filed, appellants No.1 and 2 had got 22 marks and 19 marks, respectively, and the cut off marks were 25 and both the appellants belong to BC category. As such, they did not secure more marks than the last candidate in BC category.

We are not inclined to interfere in the judgment passed by the learned Single Bench. Accordingly, the present appeal is dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

22.11.2023
ashok

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No