

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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LPA-1433-2023(O&M)

Date of decision: 17.10.2023

Balwant Singh

... Appellant

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.PKS Phoolka, Advocate, for the appellant.

Ms.Lavanya Paul, DAG, Punjab.

AMAN CHAUDHARY, J.

1. The present intra-court appeal, under Clause X of the Letters Patent has been filed against the judgment dated 07.08.2023, vide which the civil writ petition preferred by the appellant came to be dismissed.

2. Learned counsel would contend that the appellant despite having made it to the selection list was not issued the appointment letter and without assigning any reason, the result was revised, wherein his merit position was downgraded. His right to have been appointed was taken away without any just cause. However, these facts were not properly appreciated by the learned Single Judge.

3. Heard the learned counsel on either side.

4. The appellant has not been able to demonstrate that the action on the part of the State in drawing the revised select list was arbitrary. No challenge had also been laid to the decision in that regard.

5. Pertinently, as a matter of fact, there were justifiable reasons for revising the list, being by way of rectification of an error that had crept in. The first select list, wherein the appellant is said to have found a place, was prepared purely on merit of the SC candidates, which being not in consonance with the percentage of the reservation as prescribed by Section 4(5) of The Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006, was amended and the bifurcated revised list, as mandated for sub-categories came into being. Admittedly, 70 marks were scored by the appellant, while the last candidate, who was issued the joining letter as per the amended list, had 71. It is on this account, that the appellant got rightly ousted.

6. The mere inclusion of the appellant in the initial select list, cannot serve as the sole basis for his selection and consequent issuance of an appointment letter, as no indefeasible right in his favour got *ipso facto* accrued.

7. Hon'ble The Supreme Court in **Sudesh Kumar Goyal vs. State of Haryana**, 2023 SCC OnLine SC 1201, observed and held that, "In view of the reasoning given by the respondents for appointing only 13 selected candidates leaving the appellant who was at Sl. No.14, we are of the opinion that the respondents have justified the appointments and have not acted in an arbitrary manner. The respondents have acted fairly and logically without any malice against the appellant. Thus, on the touchstone of the decision cited on behalf of the appellant himself, we do not find any arbitrariness on the part of the respondents. Therefore, the decision of the Division Bench of the High Court is not liable to be disturbed on the above count, more particularly when the appellant has not acquired any

indefeasible right to be appointed because he qualified in the selection process.”

8. As a fall out and consequence of the aforesaid, we find no reason to interfere in the impugned judgment rendered by learned Single Judge. The appeal being meritless, is dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

17.10.2023
gsv

Whether speaking / reasoned: YES / NO

Whether Reportable: YES / NO