

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-690-2023 (O&M)
Date of decision:06.12.2023

Jasvir Singh and another

....Appellants

V/s.

State of Punjab and others

....Respondents

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

Present: Mr. A.K Walia, Advocate for the appellants.

Mr. Abhay Pal Singh Gill, DAG, Punjab.

Ritu Bahri, Acting Chief Justice.

CM-1795-LPA-2023

For the reasons mentioned in the application, the same is allowed and the delay of 104 days in refiling the appeal is condoned.

CM-1796-LPA-2023

Application for seeking exemption from filing certified copy of judgment of Learned Single Judge and other annexures is allowed.

CM-1797-LPA-2023

For the reasons mentioned in the application, the same is allowed and the delay of 55 days in filing the appeal is condoned.

LPA-690-2023

1. The appellants have come up in appeal against the judgment of learned Single judge dated 05.08.2022 passed in CWP-8360-2015 whereby their petition seeking direction to the respondents to appoint them as Male

Constables in the Punjab Police pursuant to an advertisement inviting applications for filling up 1533 posts of Armed Police Cadre in the Constable Rank in Punjab Police, has been dismissed.

2. The appellants participated in the selection process of 121 posts of Constables which were to be filled up for Ludhiana Urban. As per the advertisement, the reservation was made as under:-

“As per the government instructions issued from time to time 25% seats for scheduled caste/scheduled tribes, 12% seats for backward classes, 13% seats for ex-servicemen, 2% seats for dependents of police employees and 1% seats for dependents of freedom fighters are reserved.”

3. As per the above said calculation, the reservation percentage came to 53% and hence only 47% seats were reserved for the General Category out of 121 posts.

4. The appellants participated in the selection process and their grievance in the writ petition was that out of 121 posts, 50% seats should have been reserved for General Category.

5. As per the written statement filed by the respondents in the writ petition, the candidates of the General Category, who had secured 30.35 to 30 marks were kept in the waiting list whereas appellant No. 1 had secured 28.10 marks and appellant No. 2 had secured 25.70 marks. Hence, they could not be selected against 58 seats reserved for the General Category.

6. The argument of learned counsel for the appellants is that 60 seats should have been reserved for the General Category out of 121 posts. The said argument has been rightly rejected by learned Single Judge keeping in view that as per the advertisement, 47% reservation was for

General Category and the appellants were aware about this fact while applying for the posts in question.

7. The appellants, after participating in the selection process, cannot take a plea now that reservation of 50% should have been given for General Category. Moreover, both the appellants could not fall even in the merit list as the candidates kept in waiting list secured 30.35 to 30 marks whereas appellant No. 1 had secured 28.10 marks and appellant No. 2 had secured 25.70 marks.

8. With these observations, Letters Patent Appeal is dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

06.12.2023
Divyanshi

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