

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

127

2023:PHHC:111832

**RSA-607-2018 (O&M)
Date of decision: 25.08.2023**

GURMEET KAUR

..Appellant

Versus

STATE OF PUNJAB & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tejinder Pal Singh, Advocate
for the appellant.

Mr. Ajit Singh Natt, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

CM-1527-C-2018

1. For the reasons stated in the application for condonation of delay which is supported by an affidavit, the application is allowed.
2. The delay of 335 days in refiling the appeal is condoned.
3. CM stands disposed of.

Main case

4. The correctness of the concurrent findings of fact arrived at by the Courts below is challenged by the plaintiff in this second appeal. She claims appointment on a priority basis on the ground that she is a deserted woman by her husband and in-laws. The defendant while contesting the suit claims that the marks obtained by the plaintiff were 11, whereas, the selected candidate obtained 19 marks. Moreover, in her application submitted for appointment, she did not disclose her status as a deserted woman.
5. Both the Courts on appreciation of evidence have concurrently found that the appellant never applied for appointment in the category of the deserted woman.

6. The learned counsel representing the appellant contends that while submitting the application, the appellant had attached the copy of the application filed under Section 24 of the Hindu Marriage Act, 1955, as well as an application under Section 125 of the Cr.P.C., hence, the respondent should have treated the appellant's application under the category of deserted woman.

7. This Court has considered the submissions of the learned counsel representing the appellant.

8. A candidate who wants appointment in a particular category is required to specify in the application that he/she is seeking preference under the specified category.

9. In absence thereof, the recruiting agency or the employer is not expected to treat the application in the category, which was never specified in the application.

10. Hence, no ground to interfere is made out.

11. Dismissed accordingly.

12. All the pending miscellaneous applications, if any, are also disposed of.

August 25th, 2023

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(ANIL KSHETARPAL)
JUDGE

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