

2024:PHHC:111265



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

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CWP-12415-1994 (O&M)
Date of Decision : 29.08.2024

BHAGAT RAM

.... PETITIONER

V/S

STATE OF PUNJAB & ANR

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Amar Vivek Aggarwal, Advocate and
Ms. Bhawana Anand, Advocate
for the petitioner.

Mr. G.S.Bhullar, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 13.10.1993 (Annexure P-2) whereby respondent has rejected his claim for the post of Inspector.

2. The petitioner on 02.02.1990 was appointed as Assistant Sub Inspector of Police under Ex-servicemen Category. The respondent on 13.08.1990 advertised posts of Inspectors. The advertised posts included posts meant for Ex-servicemen. The respondent filled up 12 posts and there was 14% reservation for Ex-servicemen Category. The respondent rejected claim of the petitioner on the ground that he has already availed benefit of Ex-servicemen Category at the time of appointment of



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Assistant Sub Inspector. He preferred CWP No.4559 of 1992 before this Court which came to be allowed vide order dated 10.05.1993 with a direction that in case he is found more meritorious than the persons appointed against the reserved posts for Ex-servicemen, then he would be given appointment as inspector from the same day as the person who was less meritorious had been appointed. The respondent by said date had already appointed Jagdish Raj and thereafter, cancelled his appointment on the ground that he had furnished fake documents.

3. The respondent considered claim of the petitioner in terms of aforesaid order of this Court and vide impugned order dated 13.10.1993 rejected his claim on the ground that he is less meritorious than the candidate appointed.

4. Mr. Amar Vivek Aggarwal, Advocate submits that the impugned order was passed on 13.10.1993 holding that the petitioner is less meritorious than appointed candidate whereas appointment of Jagdish Raj had already been cancelled on 04.01.1993. As appointment of Jagdish Raj had already been cancelled, the respondent was duty bound to offer appointment to petitioner, nevertheless, other candidates under Ex-servicemen Category had secured more marks than him because none of candidates belonging to Ex-servicemen Category had lodged his claim. The respondent was duty bound to consider case of the petitioner against appointed candidate. There were two posts meant for Ex-servicemen because 14% of 12 seats comes to more than one, thus, respondent was bound to make appointment of two persons under Ex-servicemen Category and wrongly carried forward one seat especially



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when candidates were available.

5. Per contra, Mr. G.S.Bhullar, AAG, Punjab, submits that the petitioner had secured total 80 marks in written test and interview whereas appointed candidate had secured 106.75 marks. There were four more candidates under Ex-servicemen Category who had secured much more marks than the petitioner. He had secured 80 marks whereas Jaspinder Singh had secured 105 marks. Similarly, other three candidates had secured more than 93 marks.

6. I have heard the arguments of counsel for the parties and perused the record.

7. From the perusal of record, it comes out that selection was made in 1993. A period of 31 years has passed away. The petitioner at that point of time was holding post of Assistant Sub Inspector. It is not his case that he had secured marks next to appointed candidate i.e. Jagdish Raj. Indubitably, he had secured much lesser marks than four other candidates i.e. Jaspindner Singh (105), Jagjit Singh (96.50), Darshan Singh (94.50) and Swaran Singh (93.75). He had secured much lesser marks than Jagdish Raj marks who was appointed candidate. This Court had directed the respondent to consider case of petitioner in comparison to appointed candidate. He was not meritorious than appointed candidate though appointment of appointed candidate was cancelled due to submission of fake documents. The petitioner is claiming that on account of cancellation of candidature/appointment of Jagdish Raj, he must have been selected ignoring the merit of all other candidates. The petitioner had secured 80 marks and besides Jagdish Raj, there were four other



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candidates who had secured much more marks than him. This Court on account of expiry of long period of 31 years as well as the factum that there were four more candidates who were more meritorious than petitioner does not find it appropriate to set aside the impugned order and ask the respondents to make appointment of petitioner.

- 8. Dismissed.
- 9. Pending miscellaneous application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

29.08.2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No