



CWP-8114-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-8114-2024
Date of Decision: 24.05.2024

Jagmeet Singh Sangha

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sumeet Singh Brar, Advocate for the petitioner
Mr. Aman Dhir, Deputy Advocate General, 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 provisional selection list (Annexure P-8) of the post of Intelligence Assistant in the Intelligence Cadre of Punjab Police and direction to respondents to issue him appointment letter.
2. The petitioner participated in the selection process which commenced pursuant to Advertisement No.3 of 2021 (Annexure P-1) for the post of Intelligence Assistant in Intelligence Cadre of Punjab Police. The petitioner secured 114 out of 150 marks in the written test still his name did not appear in provisional selection list though last selected candidate had secured 109 marks. The petitioner fulfills eligibility criteria and is possessing requisite qualification. He is more meritorious than many selected candidates.



3. Mr. Sumeet Singh Brar, Advocate *inter alia* submits that as per note annexed to Clause 8.2 of advertisement dated 26.07.2021 (Annexure P-1), no candidate could be subjected to Physical Screening Test and Physical Measurement Test without submitting original documents uploaded at the time of filing of application. The petitioner was subjected to Physical Screening Test as well as Physical Measurement Test and respondent has rejected his candidature on the ground that he has not submitted original documents. He has secured 114 marks whereas last selected candidate has secured 109 marks.

4. Reply by way of affidavit dated 24.05.2024 of Swarandeep Singh, P.P.S., Assistant Inspector General of Police, Intelligence Headquarters, Punjab filed on behalf of respondent Nos.1 to 5 is taken on record. Registry is directed to tag the same at an appropriate place.

5. Mr. Aman Dhir, Deputy Advocate General, Punjab submits that petitioner indubitably secured 114 marks and last selected candidate has secured 109 marks, however, his name did not appear in selection list because despite repeated opportunities, he failed to furnish Detailed Marks Certificate (for short 'DMC') of different years of graduation. He submitted DMC of last year whereas DMCs of all the three years was necessary. He has submitted DMC of three years at this belated stage. The final selection list has already been issued.

6. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.



7. The petitioner indubitably is meritorious than many selected candidates. He was subjected to Physical Screening and Measurement Test which could be conducted after scrutiny of documents. The petitioner did not submit DMCs of three years though he submitted DMC of last year. There is certainly lapse on his part, however, in the wake of his marks and fulfillment of eligibility criteria, it would be hyper-technical if he is denied the post. The respondent is not sure whether all the posts have already been filled up or not.

8. In the wake of above discussion and findings, this Court deems it just, fair and appropriate to direct the respondents to consider claim of the petitioner, if any post is lying vacant or becomes vacant, within three months from today.

9. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

24.05.2024
Mohit Kumar

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