

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10233-2017 (O&M)
Date of Decision:25.04.2024

LOVEPREET SINGH..... Petitioner

Versus

STATE OF PUNJAB AND ORS. Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Amit Jhanji, Sr. Advocate with
Ms. Zaheen Kaur, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

Mr. G.S. Bal, Sr. Advocate with
Mr. Dilshad S. Gill, Advocate
for respondent No.4.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to substitute his category from General to ‘Wards of Police Personnel’ as his father was working with respondent as Head Constable and had taken part in three encounters with terrorists.
2. The petitioner pursuant to advertisement dated 01.09.2016 (Annexure P-1) applied for the post of Sub-Inspector in District Police Cadre. There were total 205 posts for male candidates and out of which 127 posts were available for General category. Four posts were reserved

for 'Wards of Police Personnel'.

3. The petitioner applied for the said post under General category. The last date prescribed for filing application was 21.09.2016. Both sides are unaware of the date on which petitioner applied under General category. He cleared written test and appeared for physical test on 12.10.2016 which he cleared. The respondent though in the advertisement had prescribed for interview, however, the process of interview was cancelled. The petitioner after declaration of result vide letter dated 23.12.2016 (Annexure P-12) applied to Chairman, Recruitment Board for rectification of his category. He requested that his category may be substituted from General to 'Wards of Police Personnel',

4. Mr. Amit Jhanji, Sr. Advocate submits that petitioner indubitably belongs to 'Wards of Police Personnel' category. He at the time of filing of application was not having certificate issued by competent authority to claim the benefit of 'Wards of Police Personnel', thus, he applied under General category. He vide letter dated 09.09.2016 requested respondent to change his category from General to 'Wards of Police Personnel'. The said application was filed in the office of SSP, Sri Muktsar Sahib. The respondent has accepted in its reply that as per receipt register, letter dated 09.09.2016 was received. As petitioner applied for rectification of his category even prior to written test, thus, respondent was duty bound to change his category especially when no procedure in the advertisement for the purpose of getting certificate of 'Wards of Police Personnel' was prescribed. The respondent issued clarification on 12.09.2016 (Annexure P-2) and petitioner applied for

certificate on 19.09.2016 which was issued on 31.12.2016 (Annexure P-3). The final result was declared on 20.12.2016. The lapse, if any, was on the part of respondents and petitioner cannot be punished for their lapse.

5. Per contra, Mr. Aman Dhir, DAG, Punjab submits that petitioner has raised issue of filing aforesaid letter dated 09.09.2016 after 6 years from the date of filing of the writ petition. In the writ petition, the petitioner has categorically stated that he made representation to Chairman, Recruitment Board on 23.12.2016 (Annexure P-12) for change of his category. He is not having copy of aforesaid letter. The department is also not having copy of letter. It appears that respondent has managed in one or another way receipt register and is trying to take undue advantage. There was no reason to file said letter with SSP office instead of Recruitment Board.

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

7. The petitioner concededly applied under General category. He was not having certificate of 'Wards of Police Personnel' either at the time of filing of the application or scrutiny of documents. He applied for said certificate on 19.09.2016 and it was issued on 31.12.2016 whereas final result was declared on 20.12.2016. The petitioner in his petition, has categorically submitted that after declaration of result, he represented to Chairman, Recruitment Board vide letter dated 23.12.2016 (Annexure P-12). The said averment is contained in paragraph 14 of the writ petition which is reproduced as below:

"That the petitioner after the declaration of result immediately represented to the Chairman, Recruitment

*Board, Punjab Police on 23.12.2016 for rectification of category from general (wrongly filled) to 'Wards of Police Personnel' but no action was taken on the said representation and no intimation has been given to the petitioner, Copy of the representation dated 23.12.2016 is appended as **Annexure P-12.**"*

8. A conspectus of aforesaid paragraph reveals that at the time of filing of writ petition, the categoric stand of petitioner was that he for the first time requested to respondent to change his category on 23.12.2016 (Annexure P-12) i.e. after declaration of final result. He remained silent for 6 years and after the expiry of said period, all of a sudden, raised an argument that he had filed letter dated 09.09.2016 with respondent seeking change of his category. He is not having duly receipt copy of said letter. The receipt register of respondent is disclosing that letter dated 09.09.2016 was received from petitioner, however, copy of said letter is not available in record.

9. Learned State counsel during the course of hearing confirmed that disciplinary proceedings have been initiated against official who had recorded receipt of aforesaid letter in the office of SSP.

10. I have gone through the original register which was produced during the course of hearing. There seems apparent mistakes and contradiction in the entries recorded on 09.09.2016. In the absence of copy of alleged letter, this Court finds difficult to believe contents of receipt register especially when petitioner remained indolent for 6 years from the date of cause of action and letter was not submitted with Recruitment Board. Had petitioner filed said letter, he must have raised this issue at the first instance.

11. There is another aspect of the matter. The result was declared on 20.12.2016 and till the said date, the petitioner was not possessing certificate issued by competent authority. In the absence of certificate issued by competent authority, he was not eligible to be considered under the category of ‘Wards of Police Personnel’.

12. In the wake of above discussion and findings, the present petition deserves to be dismissed and accordingly dismissed.

13. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

25.04.2024
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>