



CM-11364-CWP-2024 in/& -1-
CWP-14543-2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110+276

CM-11364-CWP-2024 in/&
CWP-14543-2023 (O&M)
Date of Decision :29.08.2024

Amanveer Kaur and another

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parvesh Kumar Saini, Advocate for the petitioners.

Mr. Charan Preet Singh, AAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

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Present application has been filed for placing on record a show cause notice dated 06.04.2023 as Annexure P/28 as well as list of selected candidates dated 05.12.2023 as Annexures P/29.

Notice of the application to the counsel opposite.

Mr. Charan Preet Singh, AAG, Punjab accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as made in the present application.

As prayed for, application is allowed.

Annexures P/28 & P/29 are taken on record.



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In the present petition, grievance being raised by the petitioners is that by the revised merit list keeping in view the revised answer key, the petitioners, who were selected and appointed are being thrown out of the service on the ground that now their merit has gone down keeping in view the number of posts advertised in the category in which the petitioners had competed.

Learned counsel for the petitioners submits that once, the petitioners have been appointed and are continuing in service, the respondents are under an obligation to adjust them against the posts, which are lying vacant in the department.

Learned counsel for the respondent-State submits that revision of the merit list keeping in view the revised answer key was done keeping in view the direction given by this Court wherein, validity of the answer key was challenged by certain candidates and keeping in view the directions given by this Court, merit of all the candidates was re-determined on the basis of the revised answer key and in the revised merit list, the petitioners could not get themselves selected keeping in view the marks secured by them in the category in which they were competed keeping in view the number of posts advertised though, petitioner No.1 improved her marks from 121 to 122 but the last selected candidate in the category in which the petitioners had competed has secured 126 marks.

As far as petitioner No.2 is concerned, it has been submitted by the respondents that though, petitioner No.2 has also secured 126 marks but as she was younger in age, she could not be selected keeping in view the



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number of posts advertised. Hence, averment of the petitioners that action of the respondents in terminating their service is arbitrary and illegal, is incorrect and rather the same is based upon the revised merit list.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the merit list has been revised under the orders of this Court and all the advertised posts have already been filled up and according to the revised merit list, the petitioners could not get themselves selected, no grievance can be raised by them.

The argument of the learned counsel for the petitioners is that once, the petitioners have worked with the respondents for a period of more than two years, the petitioners should have been accommodated on the posts, which are lying vacant rather than throwing them out of the service.

Qua the said argument, the respondents have stated on record that all the posts, which were advertised, have already been filled up and as of now, there is no post lying vacant.

With regard to the adjustment of the petitioners on the other posts i.e. beyond the advertised posts, the same is within the jurisdiction of the respondent-State and this Court cannot give any direction to fill up the posts beyond the posts advertised. The State has power to adjust the selected candidates in case, if the State intends to do so. Hence, with regard to the prayer of the petitioners for their adjustment on other posts under the dominion of respondents, the respondents are directed to pass an appropriate order as to whether keeping in view the facts and circumstances



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of the present case where the petitioners were duly selected and appointed and they have only been ousted on the basis of the revised merit list, the petitioners can be adjusted in other posts by taking a sympathetic view.

Let the said consideration be given within a period of 08 weeks from the date of receipt of copy of this order and in case, benefit of adjustment can be given to the petitioners, the same be given otherwise, due reasons for not accepting the claim of the petitioners be mentioned in the speaking order so passed, which will be conveyed to the petitioners as well for their information and necessary action.

Present petition stands disposed of in above terms.

August 29, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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