



CWP-16032-2018 (O&M) & connected case 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221) CWP-16032-2018 (O&M)
Date of Decision : December 04, 2024

Ravinder Singh .. Petitioner

Versus

State of Punjab and others .. Respondents

(123+221-A) CM-19698-CWP-2024 in/and
CWP-9778-2020

Jasparjeet Singh .. Petitioner

Versus

State of Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B.S. Sewak, Advocate, for the petitioner
in CWP-16032-2018.

Mr. Rajinder Sharma, Advocate, for the petitioner
in CWP-9778-2020.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

Mr. Gauravjit S. Patwlia, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-19698-CWP-2024 in CWP-9778-2020

As prayed for, the application is allowed.

Reply on behalf of respondent No.4 is taken on record.

CWP-16032-2018 and CWP-9778-2020

1. In the present writ petitions, the grievance of the petitioner(s) is that the post of Tehsildar has been given to respondent No.4 though, he has not opted for the same while competing in pursuance to the Advertisement

Annexure P-1.

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2. Learned counsel for the petitioner(s) submits that the petitioner(s) were competing in the reserved category of scheduled caste (Balmiki and Majbhi). The private respondent was also competing in the said category and as the petitioner(s) had given an option for the post of Tehsildar, the petitioner(s) should have been given the said post instead of the private respondent, who never opted for the said post.

3. Upon notice of motion, the respondents have filed the reply wherein, the respondents have stated that in pursuance to the Advertisement Annexure P-1, in the category of scheduled caste (Balmiki and Majbhi), there was no post of Tehsildar was reserved and the only post of Tehsildar in Sports Category was reserved but the said post remained vacant due to the fact that candidate was found eligible and ultimately, the said post was converted to the main category of scheduled caste to be filled from the category of (Balmiki and Majbhi).

4. Learned counsel for the respondents submits that as the post of Tehsildar (Sports) was converted into the main category of scheduled caste (Balmiki and Majbhi), the same was offered in accordance with the merits of the candidates obtained by them in the category of scheduled caste (Balmiki and Majbhi) and as respondent No.4 was having higher merit, he opted for the same and was appointed hence, there is no illegality.

5. Learned counsel appearing on behalf of the private respondent No.4 submits that question of opting for the post of Tehsildar at the initial stage in pursuance to Advertisement Annexure P-1, does not arise as there was no post of Tehsildar was reserved for the scheduled caste (Balmiki and Majbhi) and it was only when a post of Tehsildar (Sports) was converted

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into the main category of scheduled caste (Balmiki and Majbhi) in which respondent No.4 and the petitioner(s) were competing, answering respondents being higher in merit, has been offered the same hence, the petitioner(s) cannot raise any grievance merely for opting the said post while applying for his consideration in pursuance to the Advertisement Annexure P-1 even though no post of Tehsildar was available to be opted for in the category of scheduled caste (Balmiki and Majbhi).

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

7. Once, it is a conceded fact that as per the Advertisement Annexure P-1, there was no post of Tehsildar reserved for scheduled caste (Balmiki and Majbhi), giving option for the said post does not arise. Even though the post of Tehsildar was not advertised in the category in which the petitioner(s) were competing, the option given by the petitioner for the said post becomes irrelevant. The post of scheduled caste (Sports Person) which remained unfilled, when transferred to the category of scheduled caste (Balmiki and Majbhi), the post was required to be filled as per the merit of the candidates competing in the said category.

8. Concededly, the private respondent is having more merit than the petitioner and therefore, he was given an option to opt for the said post, which was accepted by him.

9. In the facts and circumstances of the present case, giving the post of Tehsildar to respondent No.4, who was having higher merit than the petitioner, cannot be treated as arbitrary or illegal.

10. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

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11. Accordingly, the writ petitions are dismissed.
12. Civil miscellaneous application pending if any, also stands disposed of.
13. A photocopy of this order be placed on the file of other connected case.

December 04, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No