

4. Mr. Munish Puri, Advocate submits that as per standing order issued by Director General of Police, Punjab, the seats meant for reserved category may be filled-up from General Category candidates where reserved category candidates are not available. In the case of petitioners, there were 25 seats and only very few seats could be filled-up, thus, petitioners should have been considered for the post of Constable.

5. *Per contra*, Mr. Aman Dhir, DAG, Punjab submits that waiting list cannot exceed 20% of vacancies originally advertised. In the category of petitioners, there were 25 seats and a list of 30 candidates was prepared which included 5 candidates of waiting list. The petitioners did not fall in first 30 candidates, thus, they cannot ask the respondent-State to consider their case because it would amount to exceeding limit of waiting list prescribed by standing order.

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

7. The claim of the petitioners is based upon Clause 10 of standing Order No. 04/2016 (Annexure P-2) issued by DGP, Punjab. The said clause is reproduced as under:

“10. Final merit list & waiting list

Out of candidates securing minimum qualifying marks in written examination, the category-wise merit lists will be prepared first on the basis of total marks obtained in written test. The candidates will be selected category wise. Thereafter, a combined merit list shall be drawn of all the three categories and that will be selection merit list.

In the event of two candidates securing equal marks out of total, the elder in age shall be senior to the younger one. In case

two candidates secure equal marks and have the same age, inter-se seniority shall be determined on the basis of marks obtained in written examination. If two candidates secure equal marks, and have same age and same marks in written examination, the inter-se seniority shall be determined on the basis of marks obtained in matriculation examination.

In case candidates in any reserved category are not available, those vacancies can be filled by General category candidates after following prescribed procedure.

A waiting list not exceeding 20% of the vacancies originally advertised for being filled up may be prepared to fill the vacancies left unfilled on account of the candidates declared medically unfit or who cannot furnish original document to substantiate their claim or who otherwise fail to join after appointment. The life of waiting list will be six months or upto next recruitment whichever is earlier.”

8. From the perusal of above quoted clause, it is evident that waiting list may comprise of maximum 20% of vacancies originally advertized. In the present case, 25 vacancies were advertized and respondent prepared list of 30 candidates which included 5 candidates of waiting list. The maximum candidates in the waiting list could be 5 and respondent prepared waiting list consisting of maximum candidates. The petitioners were not part of waiting list. If any candidate beyond the said list is considered, it would amount to preparing waiting list of candidates exceeding 20% of advertized vacancies. As confirmed by learned State counsel, the unutilized vacancies were further advertized in 2021. It is further apt to notice that matter relates to vacancies of 2016-17. The selection process completed in 2017 itself. At this belated stage, in any case, no substantial relief can be granted.

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9. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

03.04.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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