

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CWP-5168-2017
Date of Decision: 07.03.2024

Simranjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Nonish Kumar, 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 direction to the respondents to issue him appointment letter for the post of Constable.
2. The petitioner, pursuant to an advertisement, applied for the post of Constable under Ex-Servicemen Category. Initially, he was found eligible in District Police Cadre and selected. The respondent, at a later stage, carried out scrutiny of documents and found that there is mis-declaration on the part of few candidates. Accordingly, fresh exercise was carried out and many candidates were shifted from District Police Cadre to other cadres. The petitioner was also shifted from District Police Cadre to Punjab Armed Police

(for short 'PAP'). The name of the petitioner is at Serial No.2 in the waiting list.

3. Mr. Nonish Kumar, Advocate submits that petitioner was initially selected and thereafter he has been wrongly kept in waiting list. He has secured more marks than last selected candidate.

4. *Per contra*, learned State counsel submits that the petitioner is dependent of an Ex-Serviceman whereas as per applicable rules and regulations, preference is given to Ex-Serviceman than their lineal descendants. The merit list was re-casted and petitioner was transposed from District Police Cadre to PAP. The name of petitioner figured in the waiting list. There is no candidate who had secured lower marks than the petitioner and has been selected. All the seats meant for Ex-Servicemen have been occupied by Ex-servicemen, thus, petitioner being lineal descendant of an Ex-Serviceman could not be adjusted.

5. The petitioner has not produced evidence to the effect that any candidate lower in merit than him has been selected and State has made categorical statement that petitioner could not be selected being lineal descendant of an Ex-Serviceman whereas all the seats have been occupied by Ex-Servicemen. In the absence of any evidence to the effect that any candidate lower in merit has been selected, this Court cannot ask the State to issue appointment letter to the petitioner.

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6. In the wake of above discussion and findings, the present petition is disposed of with liberty to the petitioner to move an appropriate application, if he gets evidence to the effect that any candidate lower in merit than him has been selected.

(JAGMOHAN BANSAL)
JUDGE

07.03.2024
Mohit Kumar

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