



**114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-29372-2024

Date of Decision: 29.10.2024

CHAMKAUR SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND ANR

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Pardeep Singh Mirpur, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of order dated 07.10.2024 (Annexure P-15) whereby respondent has rejected his claim for the post of Constable under Ex-Serviceman (SC/M&B) Category.

2. The petitioner pursuant to an advertisement of 2016 applied for the post of Constable. He belongs to SC (M&B) Category. In the advertisement, there was no Sub-Category and all the candidates applied under SC Category. A litigation ensued between the parties and final merit list was prepared on 18.05.2022. The said list was preceded by tentative revised list on 25.03.2022. The respondent invited objections from all the candidates with respect to their Category. More than 100 objections were received and status of many candidates with respect to their Sub Category was changed. The petitioner, at this stage, remained silent. Despite being given 7 working days from 25.03.2022 to file objection, the petitioner did not file any objection. The respondent has rejected claim of petitioner on the ground that he did not file objection within time and at this stage, he cannot be considered.



3. Mr. Pardeep Singh Mirpur, Advocate for the petitioner submits that as per Annexure P-10, the final merit list was not prepared on 18.05.2022 whereas it was amended from time to time and many candidates were permitted to join even during 2024, thus, respondent has wrongly rejected claim of the petitioner.

4. Mr. Aman Dhir, DAG, Punjab who on advance notice is present in Court, submits that there is no representation on behalf of the petitioner on record prior to declaration of final merit list dated 18.05.2022. Annexure P-10 discloses that final merit list was prepared on 18.05.2022. The said Annexure is not disclosing that merit list was revised after 18.05.2022. The State has categoric stand that final merit list was prepared on 18.05.2022.

5. This Court vide order dated 26.05.2023 passed in a bunch of petitions including ***Civil Writ Petition No.2208 of 2017*** titled as '***Jaimal Singh Vs. Director General of Police Punjab, Chandigarh and another***' has ordered that State shall be bound by the final merit list dated 18.05.2022. The relevant extracts of order dated 26.05.2023 are reproduced as below:

“6. Qua Issue No.1 i.e. the candidates who feel aggrieved as no sub-option of SC (R&O) and SC (M&B) was provided in the online form and thus their case were prejudiced, the State is stated to have duly considered the grievance of all the writ petitioners in 21 writ petitions. The marks obtained by them have been considered against the cut-off marks as per the revised merit list dated 18th of May, 2022 and it has been claimed that no candidate who is lower in merit than the last selected candidate i.e. as per revised merit list dated 18th of May, 2022, has been granted appointment.

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12. In view of the aforesaid stand taken by the State, this Court



finds that since the whole exercise has been conducted by the State in the light of judgment passed by the Writ Court in CWP No.22985 of 2016. The same stands approved in LPA No.916 of 2021 which further stands affirmed by the Apex Court in SLP No.27011 of 2022, there is no legal issue left at the hands of this Court to adjudicate qua the aforesaid recruitment. The State shall be bound by the final merit list dated 18th of May, 2022 and the writ petitions stand disposed off accordingly.”

6. The posts were advertised in 2016 and on account of litigation final merit list could not be issued till 2022. On the direction of this Court, the final merit list was prepared and said list was preceded by tentative list. The candidates were given 7 working days from 25.03.2022 to file their objection. The petitioner though was part of litigation, yet did not file objection within 7 working days from 25.03.2022 with respect to his category. In the absence of representation, the State was bound to rely upon record. The State could not keep merit list pending for an indefinite period. A long delay of 6 years had already taken place. No selection process can be kept in abeyance for an indefinite period. The petitioner was not vigilant and at this stage, it would not be appropriate on the part of this Court to direct the respondents to prepare fresh merit list and consider the petitioner, however, it is made clear that if respondent, at any stage, on account of changed circumstances considers other candidates than the petitioner shall also be considered.

7. Writ petition stands dismissed.

(JAGMOHAN BANSAL)
JUDGE

29.10.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No