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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29169-2024
Date of Decision:11.11.2024

BALWINDER SINGH Petitioner

Versus

STATE OF PUNJAB AND ORS Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sarthak Gupta, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 30.09.2024 (Annexure P-16) whereby his claim seeking appointment against the post meant for General Category candidate has been declined.

2. The petitioner pursuant to advertisement No.5 of 2021 applied for the post of Computer/Digital Forensics Officer (CDFO). The respondent rejected all the candidates on the ground of lack of experience. The matter came up for consideration before this Court in **CWP No.1971 of 2024** titled as **‘Balwinder Singh Vs. State of Punjab and others’** and other connected cases. This Court considering stand of both sides issued following directions:

“36. From the above discussion, it comes out that in the advertisement multiple ‘terms and conditions’ were jotted down. In case of other posts ‘experience’



was directly linked with the post but it was not so in case of ITA/ITO/CDFO. The recruitment board after scrutiny of documents initially accepted experience of short-listed candidates and issued provisional select list. The experience prescribed for the post of ITO/ITA and CDFO is same. The respondent has accepted same experience for the posts of ITO/ITA and rejected for the post of CDFO. Post of ITO is feeder cadre of CDFO. No oral/practical test was prescribed and written test comprised of different subjects directly linked with post. There is no material disclosing that candidature of everyone was rejected in the public interest. The petitioners cleared written test and they were wielding experience linked with educational qualification, thus, right of legitimate expectation accrued to them. The respondent after releasing provisional list of selected candidates decided to link experience with post which culminating in rejection of all the candidates.

37. In the wake of above discussion and findings, this Court finds that rejection of all the candidates on the basis of criteria evolved after release of provisional list was contrary to terms & conditions of the advertisement and doctrine of legitimate expectation recognized by Supreme Court. The respondent was duty bound to complete recruitment process as per advertisement. Thus, the respondents are hereby directed to reconsider case of all the short-listed candidates as per terms and conditions of the advertisement. The needful shall be done within 2 months from the date of receipt of certified copy of this order.”

3. Pursuant to aforesaid order, the respondent has selected 5

candidates. The petitioner has concededly secured marks which make him eligible for the post under General Category, however, he has been rejected on the ground that he had applied under EWS Category.

4. On being confronted with recent judgment of Supreme Court in *‘Ramnaresh @ Rinku Kushwah and others Vs. State of Madhya Pradesh and others’ 2024 AIR Supreme Court 4252*, Mr. Ramandeep Singh, Sr. DAG, Punjab submits that claim of petitioner would be re-considered by Competent Authority in the light of directions issued by Supreme Court.

5. In the wake of statement of Mr. Ramandeep Singh, Sr. DAG, Punjab, the present petition stands disposed of with a direction to respondent to pass an appropriate order within 1 month from today.

(JAGMOHAN BANSAL)
JUDGE

11.11.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No