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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29990-2024

Date of Decision:07.11.2024

KOMALPREET KAUR

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Hemen Aggarwal, Advocate
for the petitioner.

Mr. Aman Dhir, 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 29.05.2024 (Annexure P-10) whereby respondent has rejected her claim for the post of Constable.

2. The petitioner belongs to Backward Class (for short 'B.C'). She applied for the post of Constable under B.C Category (female). The application was filed pursuant to advertisement of 2016. By interim order dated 09.08.2016 of this Court in Civil Writ Petition No.3801 of 2015, the respondents were directed to keep 195 posts of District Police Cadre in abeyance out of 4915 posts advertised. The respondent did not fill up 195 posts out of advertised 4915 posts.

3. Few candidates filed ***Civil Writ Petition No.25491 of 2023*** titled as '***Balwinder Singh and others Vs. State of Punjab and others***'

before this Court seeking filling of 195 vacant posts. This Court vide



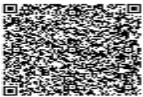
order dated 30.04.2024 directed the respondent to fill up 195 seats which were kept in abeyance on account of interim order dated 09.08.2016. The respondent till date has not assailed said order.

4. The petitioner pursuant to order dated 30.04.2024 of this Court approached the respondent claiming that she should be considered against aforesaid 195 seats. The respondent has rejected her claim on the ground that there is no vacant post for female. All the posts lying vacant are meant for male.

5. Mr. Hemen Aggarwal, Advocate for the petitioner submits that this Court had not directed the respondent to keep in abeyance 195 seats out of 3751 seats meant for male. The respondent had kept in abeyance 195 seats which were meant for both male and female.

6. Mr. Aman Dhir, DAG, Punjab who on advance notice is present in Court, submits that by 2016 advertisement, 4915 posts of District Police Cadre were advertised. 3751 posts were meant for male and 1164 posts for female. In compliance of order of this Court, the State kept 195 seats meant for male in abeyance. No post meant for female was kept in abeyance. There were 1164 posts for female and all the posts were filled up, thus, claim of petitioner cannot be considered.

7. There is nothing on record disclosing that respondent pursuant to orders of this Court had kept in abeyance 195 posts meant for both male and female. The respondent is categorically asserting that no post meant for female was kept in abeyance. The petitioner has not placed on record any document disclosing that posts meant for



female were also kept in abeyance.

8. In the absence of any contradictory evidence, there is no reason to disbelieve the State Government. Petition being bereft of merit deserves to be dismissed and accordingly dismissed. The petitioner is at liberty to move an appropriate application, if she finds that posts meant for female were also kept in abeyance.

(JAGMOHAN BANSAL)
JUDGE

07.11.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>