

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

CWP No.30077 of 2024

Date of Decision: 17.12.2024

Harbhinder Singh

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

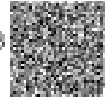
**Present: Mr. Rakesh Sobti, Advocate
for the petitioner**

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 final merit list dated 18.05.2022 (Annexure P-8 and P-9) to the extent of selection of respondents No. 3 to 8 under Scheduled Caste (M&B) Category.

2. The petitioner pursuant to 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 that 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.

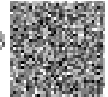
3. Mr. Rakesh Sobti, Advocate submits that petitioner had applied under Schedule Caste (M&B) Category and respondent at its own changed his Category. There was no Sub Category in the application form and petitioner uploaded certificate disclosing his Category as Scheduled Caste (M&B). The final merit list was prepared in 2022, thus, there is no delay on the part of petitioner. He was not informed of his marks as well as status in the select list, thus, he could not approach this Court prior to 2022.

5. Mr. Aman Dhir, DAG, Punjab submits that as per his instructions, the petitioner has applied under SC (R&O). He further submits that final merit list was prepared as per directions of this Court. At this stage, petitioner cannot be considered. As per record received from outsource agency, the petitioner was considered under Scheduled Caste (R&O) Category.

6. 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.

xxxx xxxx xxxx xxxx

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.”

7. 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 was neither part of litigation nor filed 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.

8. In the above premise, the writ petition stands dismissed.
9. It is hereby made clear that respondent shall consider claim of the petitioner, if at any stage, post meant for Scheduled Caste (M&B) Category is found vacant against aforesaid advertisement. The petitioner is also at liberty to point out to respondent vacant seat reserved for Schedule Caste (M&B) Category.

(JAGMOHAN BANSAL)
JUDGE

17.12.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No