

CWP No17730 of 2018.

Mr. Satnampreet Singh Chauhan, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

Present bunch of four writ petitions involve common question of law in the background of common set of facts and thus they are being decided by a common order.

In the present petition in CWP No.17730 of 2018, the challenge is to the selection in respect of the post of Jail Warders, Matrons and Drivers.

Learned counsel for the petitioners argues that the petitioners who have competed for the posts have wrongly been rejected rather, the claim of the petitioners was superior to the selected candidates hence, they should have been selected.

Upon notice of motion, the respondents have filed the reply. In paragraph 8 of the reply, all the details of the petitioners have been mentioned as to why they could not be selected.

As per the respondents, the petitioners could not get more marks as compared to the last candidate selected in the Category in which they were competing. Qua the petitioner Nos.1 and 3 who were competing in the General Category, the last selected candidate had secured 29 marks whereas both the petitioners have secured less than 29 marks. Petitioner No.2 was competing in the Reserved Category of Ex-Servicemen wherein the last selected candidate secured 25.83 marks whereas the petitioner secured 23.67 marks i.e. less than the last selected candidate. Similar is the case of petitioner No.4 who was competing in the category of Scheduled

Caste, and had only secured 25.13 marks whereas the last selected candidate secured 26.38 marks.

Once, a selection has been done in a manner required and the petitioners have not been able to secure more marks than the last selected candidates which is evident from the record available as petitioners in CWP No.28624 of 2017 who competed in the General Category but could not secure 29 marks as secured by the last selected candidate. Similar is the case in CWP No.29436 of 2017 where, the petitioner was competing in the Reserved Category of Scheduled Caste and had secured 25.50 marks whereas the last selected candidate in the Reserved Category of Scheduled Caste has secured 26.38 marks. Similar is the position of the petitioner in CWP No.401 of 2018, where he had applied under the SC-VMS Category and while competing had secured 23.63 marks whereas the last candidate in the said Category has secured 25.63 marks.

Learned counsel for the respondents submits that the petitioners have not been able to secure the marks equivalent to the last selected candidate, which fact has gone un rebutted at the hands of the petitioner. In the absence of any mala fide alleged or any allegation of favouritism, especially when no member of the Selection Committee has been impleaded by name, no ground is made out for any interference merely on the assertion that the petitioners were better suited as compared to the selected candidates.

Learned counsel for the respondent submits that keeping in view the said fact, the petitioners could not be selected.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

Once, the petitioners have not been able to secure the marks equivalent to the last selected candidates/petitioners in the category in which the petitioners are competing, the petitioners cannot raise any grievance. In the present petition, there is no allegation of mala fide as nobody has been impleaded by name so as to allege the selection as tainted.

Once, the claim of all the eligible candidates have been considered keeping in view the details reply and the petitioners have not been able to secure the marks more than the last selected candidate in their respective Category in which they were competing hence, no ground is made out for any interference by this Court in the present bunch of petitions.

Hence, the present bunch of four petitions stands dismissed.

Pending application, if any, also stands disposed of.

Photocopy of this order be placed on the file of other connected cases.

18-11-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
 Whether reportable: YES/NO