

**CWP-20180-2003 (O&M) & CWP-18328-2004****-1-**

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

202 (2 cases)**CWP-20180-2003 (O&M)
Date of Decision: 03.09.2025****Constable Kanwar Singh****...Petitioner****Versus****State of Haryana and others****...Respondents****And****CWP-18328-2004****Constable Satish Kumar****...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL****Present: - Mr. Tapan Kumar, Advocate for the petitioner****Mr. Ashok Kumar Khubbar,
Additional Advocate General, Haryana****Ms. Pratibha Yadav, Advocate for respondent No.12
(in CWP-18328-2004)***********JAGMOHAN BANSAL, J. (Oral)**

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP-20180-2003*.



2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of Lists (Annexure P-3 and P-4) whereby Constables have been selected for promotion course.

3. The petitioner joined Haryana Police Force as Constable. He was awarded Commendation Certificate. He participated in B-1 Test conducted by respondent for the purpose of selection of suitable candidates for promotion under 55% quota as contemplated by Rule 13.7 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short 'PPR'). He qualified written test and was subjected to Parade Test held on 16.11.2003. He was called for interview. The respondent declared result whereby 22 Constables from District Rewari were selected for Lower School Course. The name of petitioner did not figure in the list of 22 candidates.

4. Learned counsel for the petitioner submits that there was favouritism on the part of Selection Committee. Deputy Superintendents of Police ('DSPs') and Superintendents of Police ('SPs') were part of Selection Committee and they intentionally selected Constables who were working in their offices. The petitioner was discriminated. The petitioner secured 5 marks in Endurance Test whereas few private respondents could not secure even single mark because they were physically unfit. The respondent qualified them by giving unreasonable marks under other headings. The result was declared on 16.11.2003 and there were 2 candidates who were even examined on 17.11.2003. Inference is that they actually did not participate in the Parade Test held on 16.11.2003.

5. Learned State counsel submits that 2 candidates, as pointed by the petitioner, were permitted to participate in the Parade Test on 17.11.2003. They had participated in written test. They had secured good



marks in written test. The Authorities found that they were not at fault, thus, they were subjected to Parade on 17.11.2003. There was no discrimination. All the candidates were equally treated.

6. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

7. From the perusal of record, it appears that candidates participated in the B-1 written and Parade Test in November' 2003. The petitioner is assailing marks awarded to private respondents. Prime allegation of petitioner is that Constables posted in the office of DSPs and SPs have been selected.

8. It is settled proposition of law that it is the Selection Committee which has to decide marks of candidates. The Courts cannot substitute opinion of Interview Board or Selection Committee. The opinion of Selection Committee can be interfered with if there is *prima facie* misuse of power or abuse of process of law. The Court cannot interfere merely on the ground that marks to one candidate have been awarded more than other candidates. It is the Interview Board which has to determine suitability of the candidates. No selection process would conclude if Courts interfere on the sole ground that higher marks to few candidates have been awarded though they are non-deserving as per claim of the unsuccessful candidates. This Court does not find grave irregularity in the selection process warranting interference. It was selection of promotion course and officers conducting interview were better equipped to assess the candidates because they knew performance of their subordinates.



9. There is another aspect of the matter. The petitioner is shortly going to retire on attaining the age of superannuation. He underwent Lower School Course and was promoted in 2010. He was further promoted as Assistant Sub-Inspector. The petitioner is claiming that respondent wrongly did not include his name in B-1 List. Mere inclusion of name in B-1 List does not promote a Constable to the rank of Head Constable. He has to further undergo Lower School Course wherein he has to clear different tests. If the name of petitioner, at this belated stage, is assumed to be included in the B-1 List, it is not possible to ask him to undergo Lower School Course. Thus, it is not practically possible to ask the respondent to include his name in B-1 List and thereafter promote him to the rank of Head Constable from retrospective date.

10. In the wake of above discussion and findings, this Court is of the considered opinion that present petitions being bereft of merit deserve to be dismissed and accordingly dismissed.

11. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

03.09.2025

Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No