



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
290+291

Date of decision: 09.09.2025

1. CWP-12702-2025 (O&M)

Gagandeep Singh
.....Petitioner
Versus
State of Punjab and others
.....Respondents

2. CWP-12707-2025 (O&M)

Sachinpreet
.....Petitioner
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aman Sharma, Advocate
for the petitioner(s) in both the cases.

Mr. Akhil Kamra, AAG, Punjab in both the cases.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CWP Nos.12702 and 12707 of 2025, as common questions of law and facts are involved for adjudication.

2. Prayer in writ petition (CWP-12702-2025) filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the Impugned Letter dated 05.09.2024 (Annexure P-4) as well as Impugned Appointment Order dated 02.12.2024 (Annexure P-6) qua the private respondents, whereby



respondent No.4 has been appointed as Draftsmen under General Category having secured 238 marks which are much less than the marks obtained by the petitioner i.e. 268, thus defeating the legitimate claim of the petitioner for appointment to the post of Draftsmen, the said action of the official respondents being in violation of the settled principles of law. Further prayer has been made to quash the Impugned Appointment Order dated 02.12.2024 (Annexure P-6) qua the private respondents, whereby respondent No.3 has been appointed as Draftsmen under SC (Others) Punjab category having secured 269 marks which are much more than 238 marks secured by the Private Respondent No. 4 and further to issue an appropriate writ, order or direction appointing respondent No.3 as Draftsmen under the General Category because of securing more marks than respondent No.4. Further a writ of *mandamus* has been sought, directing the respondents to issue appointment order in favour of petitioner either under the under the SC (Others) Punjab category or General Category in view of the fact that the petitioner has secured 268 marks as per the Joint Competitive Exam Category Wise Merit List for the post of Draftsmen in Municipal Councils/Nagar (Annexure P-2) Panchayat. Another prayer has been made to direct the official respondents to issue appointment order in favour of petitioner for the post of Draftsmen in Municipal Corporation (Annexure P-3) under the SC (Others) Punjab category in view of the fact that 1 post is still lying vacant and the petitioner being next in merit is liable to be offered appointment. Further to direct the officials respondents to issue



appointment orders in favour of the petitioner strictly on the basis of Joint Competitive Exam Category Wise Merit List for the post of Draftsmen in Municipal Councils/Nagar Panchayat and Municipal Corporation (Annexures P-2 and Annexure P-3), being fully eligible and grant all consequential service benefits from the date when similarly situated candidates were offered appointment to the post of Draftsmen. Lastly, it is prayed that during the pendency of the writ petition, the operation of the Impugned Letter dated 05.09.2024 (Annexure P-4) as well as Impugned 02.12.2024 Appointment Order dated (Annexure P-6) qua the private respondents be stayed.

3. Similarly, prayer in writ petition (CWP-12707-2025) filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the Impugned Appointment Order dated 30.11.2023 (Annexure P-3) whereby private respondents No.3 and 4 having secured 200 and 220 marks, respectively have been appointed on the post of Draftsmen under the Backward Class (Open) Category which was reserved for the petitioner. Further prayer has been made to quash the Impugned Appointment Order dated 02.12.2024 (Annexure P-7) whereby private respondent No.5 has been appointed as Draftsmen under General Category having secured 238 marks, which is much less than the marks obtained by the petitioner. Further a writ of *mandamus* has been sought, directing the respondents to issue appointment order in favour of the petitioner strictly on the basis of Joint Competitive Exam Category Wise Merit List for the post of



Draftsmen in Municipal Council/Nagar Panchayat (Annexure P-2). Lastly, it is prayed that during the pendency of the writ petition, the Impugned Appointment orders dated 30.11.2023 (Annexure P-3) and dated 02.12.2024 (Annexure P-7) and/or any other consequential order passed in pursuance to the same, be stayed.

4. Learned counsel for the petitioner(s) submits that the primary grievance of the petitioner(s) is against the arbitrary action of the official respondents in ignoring their rightful claim for appointment. Despite the petitioner – Gagandeep Singh, being placed at Merit No.8 and petitioner – Sachinpreet Singh, being placed at Merit No.11, in the respective category, their names have not been considered for appointment to the post of Draftsmen in the Municipal Council/Nagar Panchayat. He contends that the action of the respondents is arbitrary, discriminatory and violative of Articles 14, 16 and 21 of the Constitution of India.

5. Learned State counsel refers to Para Nos.5 and 7 of the reply dated 28.07.2025 filed on behalf of respondent No.1 (in CWP-12702-2025) and submits that in the light of the fact that the vacancy continues to remain unconsumed, the case of both the petitioner(s) for appointment would be considered and in case, they fulfill the other eligibility criteria, they would be offered appointment.

6. In view of the stand taken by learned State counsel, both the writ petitions are hereby disposed of with a direction to the respondents to consider the claim of both the petitioner(s) and take



appropriate action in accordance with law. In the event the petitioner(s) fulfill the requisite eligibility criteria, they shall be considered for appointment to the posts they have applied for. Needless to say, if the claim of both the petitioner(s) are found to be meritorious, they shall be offered appointment. Both the petitioner(s) shall be entitled to notional pay protection and seniority from the date their batchmates were appointed, but they shall not be entitled to any arrears of salary for the period prior to their actual date of joining. The entire exercise shall be completed within a period of two months from the date of receipt of a certified copy of this order.

7. Pending miscellaneous application, if any, also stands disposed of.

8. A photocopy of this order be placed on the file of other connected case.

(HARPREET SINGH BRAR)
JUDGE

09.09.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No