



CWP-14022-2013 and connected cases

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-14022-2013
Date of Decision: 20.08.2025

DHARMINDER SINGH AND ORS. ...Petitioners

Vs.

STATE OF PUNJAB AND ORS. ...Respondents

With

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-18954-2013	Amandeep Kaur and Anr.	State of Punjab and Ors.
3.	CWP-19707-2013	Harpal Kaur	State of Punjab and Ors.
4.	CWP-20261-2013	Jagroop Kaur	State of Punjab and Ors.
5.	CWP-13065-2014	Sukhdev Singh and Ors.	State of Punjab and Ors.
6.	CWP-11509-2014	Gurwinder Singh and Ors.	State of Punjab and Ors.
7.	CWP-11843-2014	Varinder Singh and Anr.	State of Punjab and Ors.

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. D.S. Patwalia, Sr. Advocate with
Mr. Ayush Gupta, Advocate for the petitioners
(in CWP-14022-2013 and CWP-13065-2014)
Mr. Damanjeet Singh, Advocate for
Mr. Neel Kamal Chopra, Advocate the petitioners
(in CWP-11509-2014)

Mr. Akshdeep Singh Sindhu, Advocate for
Mr. Animesh Sharma, Advocate for the petitioners
(in CWP-11843-2014)

Mr. Aman Dhir, Deputy Advocate General, Punjab

**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-14022-2013**.

2. The petitioners through instant petition under Article 226/227 of the Constitution of India are seeking setting aside of show cause notice dated 25.06.2013 whereby petitioners were called upon to show cause as to why they should not be discharged from service.

3. On 04.07.2013, following order was passed by this Court:-

“The petitioners, who belong to the General Category had applied for the post of Constable in response to an advertisement dated 10.09.2010 (Annexure P-1) issued by the respondents. They were duly selected for the post and joined on the post of Constable in October, 2011. Apparently, certain candidates belonging to the reserved category of Scheduled Castes (Others) and whose name figured in the waiting list approached this Court by filing CWP No. 601 of 2012 raising a plea that candidates belonging to such reserved category and who had secured higher merit than the General Category candidates should have been considered against the General Category and accordingly, result be re-computed. It so transpires that in pursuance to the directions issued by this Court in CWP No. 601 of 2012, the result has been re-computed and 11 candidates in the Scheduled Castes (Others) Category, whose marks were higher than the last candidate under the General Category now stand selected under the General Category and as a direct consequence, the petitioners who

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had been selected under the General Category are now being declared as excess.

The present writ petition has been filed impugning the show cause notice dated 25.06.2013 (Annexure P-7) as also the order dated 06.06.2013 (Annexure P-6), whereby the services of the petitioners are sought to be dispensed with. Counsel would place reliance upon a communication dated 10.10.2012 (Annexure P-5) of the Senior Superintendent of Police, Barnala, wherein it has clearly been indicated that 184 posts of the Constables are still lying vacant and accordingly, the petitioners can be conveniently adjusted. Counsel would further submit that information had been sought under the provisions of the Right of Information Act, 2005 and in this regard would refer to Annexure P-8, whereby the petitioners have been informed that 90 posts of Constables in District Barnala are still lying vacant.

Notice of motion for 13.11.2013.

In the meanwhile, the final orders in pursuance to the impugned show cause notices shall not be passed.”

4. Learned senior counsel for the petitioners submits that petitioners are working with respondent for more than 10 years. There are few petitioners who have been further promoted as Head Constable. At this stage, it would not be just and fair to disturb their lives.
5. Learned State counsel failed to controvert the above-said factual and legal position, however submits that the seniority list was revised on the directions of this Court.
6. I have heard learned counsel for the parties and perused the record of the case.



7. In the case of ***“Vikas Pratap Singh and others vs. Rahul Bhagat and others”***, (2013) 14 SCC 494, Hon’ble Supreme Court has held that candidates who have already successfully undergone training and are efficiently serving State for more than three years, should not be discharged because it would undoubtedly impinge upon their economic security as well as their dependants. It will also adversely affect their careers. It would be highly unjust and grossly unfair to the appellants who are innocent appointees of an erroneous evaluation of the answer scripts.

8. In the case of ***“Rajesh Kumar and others vs. State of Bihar and Others”***, (2013) 4 SCC 690, Hon’ble the Supreme Court while protecting interest of already selected candidates has held:-

“21. There is considerable merit in the submission of Mr Rao. It goes without saying that the appellants were innocent parties who have not, in any manner, contributed to the preparation of the erroneous key or the distorted result. There is no mention of any fraud or malpractice against the appellants who have served the State for nearly seven years now. In the circumstances, while inter se merit position may be relevant for the appellants, the ouster of the latter need not be an inevitable and inexorable consequence of such a reevaluation. The re-evaluation process may additionally benefit those who have lost the hope of an appointment on the basis of a wrong key applied for evaluating the answer scripts. Such of those candidates as may be ultimately found to be entitled to issue of appointment letters on the basis of their merit shall benefit by such reevaluation and shall pick up their appointments on that basis according to their inter se


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position on the merit list.”

9. Concededly, the petitioners are working with respondent since October’ 2011. They were selected by respondent on the basis of merit list. There was no fraud, connivance or misrepresentation on their part. They were found meritorious and accordingly selected. At the time of their selection, they were more than 20 years old. They must have settled their economic and family life. There is scarcity of job in the country. If the selected candidates, at this stage, are disturbed it would ruin their lives. It would not be in the interest of justice and fitness of things.

10. The petitioners are working since October’ 2011 and they have been further promoted, thus, respondent cannot be heard to say that they are not working against sanctioned posts. In any case, they were appointed as Constables and there are ample number of sanctioned posts of Constables.

11. In view of the above discussion and findings, the instant petitions deserve to be allowed and accordingly allowed. The impugned show cause notice(s) are hereby set aside.

12. Pending application(s), if any stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

20.08.2025

Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No