



CWP-3219-2014

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

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Date of decision: 17.03.2025

GURMEET SINGH**....PETITIONER****Vs.****STATE OF PUNJAB AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Chanchal K. Singla, Advocate,
Ms. Tarranum Madan, Advocate and
Ms. Kavita Joshi, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

Mr. Vidul Kapoor, Advocate
for respondent Nos. 5 to 19 and 21 to 25.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of selection list and subsequent appointment of private respondents who have secured marks equal to or above the marks obtained by General Category Candidates.

2. The petitioner, pursuant to advertisement of 2011 applied for the post of Constable. There were 3726 posts of Male Constables and 2000 posts of Female Constables. The petitioner belongs to SC category and he applied under his category. As per advertisement, the bifurcation of posts was district wise. The petitioner belongs to District Sangrur for which 288 seats were allocated. As per advertisement, 25% seats were reserved for Scheduled Caste/Scheduled Tribes. As for the District Sangrur, 288 seats were earmarked, 72 seats came in the share of Scheduled Caste.



3. The respondent declared result in 2011 which was revised as per directions of this Court in 2014. The selected candidates have already joined.

4. Mr. Chanchal K. Singla, Advocate submits that respondent has not followed the Policy of reservation. As per advertisement, 25% seats were meant for Scheduled Caste/Scheduled Tribes and respondent has wrongly reduced seats in the name of ex-servicemen. It is settled law that if a candidate, belonging to SC Category, secures higher marks than the last selected candidate under General Category, he is required to be transposed to General Category, the same principle is applicable for ex-servicemen.

5. Mr. Aman Dhir, DAG, Punjab submits that in the advertisement, it was specifically provided that instructions of State Government would be followed with respect to reservation. The State Government has issued instructions dated 30.12.1996 with respect to reservation of SC/ST Category. As per Policy, 4% seats are earmarked for Ex-Servicemen belonging to SC. Category. Those seats were carved out from the seats meant for SC Category. Meaning thereby, total 25% seats were earmarked for SC/ST which included 4% seats for ex-servicemen (SC). The respondent to implement reservation policy in true sense, revised result in 2014. All the candidates belonging to SC Category who secured more marks than last selected candidate in General Category were shifted to General Category.

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

7. From the perusal of record and instructions dated 30.12.1996, it is evident that 25% seats were earmarked for SC Category which included 4% seats for ex-servicemen (SC). The relevant extracts of instructions dated

30.12.1996 reads as:-



It has also been decided that reservation for Scheduled castes and backward classes will be made vertical while the reservation for other categories such as ex-servicemen, sportsman, physically handicapped and freedom -fighter will be horizontal according to the chart annexed to this letter. Thus scheduled caste ex-servicemen would be adjusted against the 4% seats earmarked for them in the chart and to the chart and to that extent they will be counted towards reservation for scheduled castes as well as ex-servicemen. Similar criteria will apply to scheduled caste sportsmen and backward class ex-servicemen.”

8. The petitioner belongs to SC Category and as per the replies and affidavits filed by the respondent, 74 candidates have been selected under SC/ST Category which includes candidates belonging to ex-serviceman (SC). The candidates belonging to SC Category who have secured more marks than last selected candidate have been shifted to General Category. The respondent has applied Reservation Policy in letter and spirit. There is no violation of instructions.

9. The matter needs to be examined from another angle. The advertisement was issued in 2011 and result was declared in 2011 itself. Most of the candidates joined in 2012 and on the direction of this Court, result was revised in 2014. The revision of result might have affected few candidates. A period of more than 13 years from the initial selection has passed away. The post advertised was of Constable. Physical/mental fitness is of paramount consideration in the Police Force. The petitioner cannot be expected of having fitness as postulated for Constable at the time of initial appointment.



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10. In the wake of above discussion and findings, this Court is of the considered opinion that the present petition deserves to be dismissed and accordingly dismissed.

17.03.2025
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[JAGMOHAN BANSAL]
JUDGE

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