



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

CWP-4689-2018

Date of Decision: 12.08.2025

Gurpreet Singh

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Arunjeet Singh Kakkar, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to appoint him as Constable (I.T. Operator) in Information Technology and Telecommunication Wing of Punjab Police.

2. The petitioner pursuant to advertisement applied for the post of Constable under General Category. He cleared written test and result was declared. He qualified all the stages. There were 100 advertised posts. 82 candidates came to be selected. Name of petitioner figured at serial No.7 in the waiting list. The candidates whose name figured in the select list joined, however, waiting list could not be effectuated because of enforcing of Model Code of Conduct due to State Legislative Assembly Elections. The petitioner had applied for the post of Data Entry Operator in another department, thus, he requested respondent to return his original certificates. The respondent on 19.06.2012 returned his

certificates on the undertaking of petitioner that he would furnish original certificates as and when required. The petitioner served legal notice upon respondent in 2014 which was replied by respondent. The respondent rejected petitioner's claim on the ground that waiting list has expired. Many candidates who were in the waiting list approached this Court by way of **CWP No.21339 of 2012** which was allowed vide judgment dated 27.01.2016 with a direction to respondents to issue appointment letter. The respondent considered claim of 18 persons who were in waiting list because 18 seats were lying vacant. The petitioner was not issued appointment letter because he had already taken back his original certificates and did not re-submit.

3. Learned counsel representing the petitioner submits that respondent was duty bound to consider petitioner's claim because name of petitioner figured at serial No.7 in the waiting list and there were 18 vacant posts. Many candidates whose serial number was beyond serial No.7 were selected.

4. *Per contra*, Mr. Aman Dhir, DAG, Punjab submits that it was petitioner who had sought return of his original certificates and did not resubmit. There was lapse on the part of petitioner, thus, he was not issued appointment letter.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. On the asking of Court, Mr. Aman Dhir, DAG, Punjab could not point out any document or averment in the reply to the effect that after judgment of this Court in 2016, the petitioner was ever informed about the decision to select 18 candidates from the waiting list or he was

asked to submit his original certificates which were returned in 2012.

7. From the perusal of record, it is evident that waiting list could not be effectuated on account of Election Model Code of Conduct. This Court in 2016 directed the respondents to issue appointment letter. The respondent considered 18 candidates including petitioner. Formal appointment letter was not issued to petitioner because his original certificates were not available in the record. The petitioner had requested for return of his documents in 2012 because he needed with respect to another recruitment process. No one can be expected that he would like to keep his original certificates with the recruitment agency for indefinite period. The petitioner furnished undertaking to re-submit while seeking return of his original certificates. The respondent has already conducted verification, thus, could keep photocopy in its record. The respondent was further duty bound to intimate its decision to select 18 candidates out of waiting list. The respondent neither intimated petitioner about its decision to select 18 candidates nor asked the petitioner to resubmit his original certificates. The respondent rejected petitioner's claim in 2014, thus, he could not even think in 2016 that respondent needs his original certificates. The action of respondent was not justified. The petitioner despite being higher in list was wrongly denied post of Constable.

8. In the wake of above discussion and findings, the instant petition deserves to be allowed and accordingly ***allowed***.

9. The selection process was completed in 2012 and a period of 13 years has already passed away. The petitioner is seeking post of Constable, thus, his appointment shall be subject to medical examination and police verification. The needful shall be done within four weeks from

today. The date of joining of the petitioner shall be his date of appointment for all intents and purposes (service benefits).

(JAGMOHAN BANSAL)
JUDGE

12.08.2025
Prince Chawla

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