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

CWP-8675-2017 (O&M)

Date of Decision: 22nd July, 2025

NEETU DEVI

.....Petitioner(s)

V/s.

UNION OF INDIA AND OTHERS

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present Mr. R.S. Thakur, Advocate for the petitioner.

Mr. Vardaan Sharma, Advocate for
Mr. Barjesh Mittal, Advocate for respondents No.1 to 3-UOI.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This petition is directed against order dated 27.01.2017 passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as “the Tribunal”) whereby the petitioner’s claim for appointment has been rejected.

2. Before we refer to the order of the Tribunal, it would be appropriate to refer to an earlier decision of this Court *inter se* between the same parties in respect of the same dispute.

3. It transpires that the Tribunal had passed an order on 17.10.2014 in the OA filed by the petitioner, directing the employer i.e. the Comptroller and Auditor General of India to offer appointment to the petitioner on the post of Multi Tasking Staff in the OBC category. This direction of the Tribunal was challenged in CWP-5958-2015.

4. The facts of the case were noticed by the Court as per which the petitioner had scored 45 marks in the final merit list. It was further noticed that persons securing 45 marks were selected, but all those persons



were elder in age. It was also noticed that 72 candidates, elder in age to the petitioner, were available and could not be overlooked. Since, the available posts were lesser, as such the petitioner could not be selected.

5. When this fact was placed before the Court, it was urged on behalf of the petitioner that the petitioner is entitled to 10 additional marks for possessing Driving License and that her overall marks ought to be treated as 55.

6. Observations made by the Division Bench of this Court in the earlier round of litigation contained in Paras 3 to 10 are reproduced as under:-

“3.) The petitioner Authorities have contested the claim of respondent No.2 on the ground that originally 68 posts reserved for OBC category were advertised out of which only 63 were decided to be filled up. It is explained that there are 72 candidates belonging to OBC category who are placed above respondent No.2 in the final merit list. It is further explained that those 72 candidates though have secured 45 marks i.e. equivalent to respondent No.2 but being older in age than her have rightly been placed above in the merit list.

4) The resultant effect is that the direction issued by the Tribunal to offer appointment to respondent No.2 would mean that 72 candidates who are placed higher in the selection list are to be overlooked. Such a direction is obviously prejudicial to the interest of those candidates.

5) Faced with this, learned counsel for respondent No.2 submits that respondent No.2 is entitled to 10 marks additionally for the 'driving licence' and should these marks be added her overall marks would increase to 55.

6) The question whether respondent No.2 is entitled to additional marks for the driving licence and whether such additional marks were claimed by her at an appropriate stage



during the selection process, has not been expressly gone into by the Tribunal though it has observed that “apparently she also has a driving licence for which in the normal course she would have got additional marks in the interview”

7) We have heard learned counsel for the parties and gone through the record.

8) In our considered view, the matter requires re consideration by the Tribunal with reference to the following two questions:

(i) Whether respondent No.2 can be directed to be appointed against a post reserved for OBC category even if there are candidates of that reserved category above her in the selection list who are still awaiting appointment?

(ii) Whether respondent No.2 raised the claim for award of additional marks for the 'driving licence' possessed by her and if so whether she is entitled to such additional marks?

9) Since the matter is remitted to the Tribunal for fresh adjudication, we do not express any views on these questions. For the reasons aforesaid, the order dated 17.10.2014 is set aside and the matter is remitted to the Tribunal for fresh adjudication.

10) Parties are directed to appear before the Tribunal on 24.08.2015.”

7. It is thereafter that the matter was reconsidered by the Tribunal.

8. The Tribunal has noticed the contentions of the parties and has come to the conclusion that the petitioner was not entitled to 10 additional marks. Thus aggrieved, the petitioner is before this Court.

9. Learned counsel for the petitioner submits that various other persons were awarded 10 marks on account of their possessing Driving



License and that such treatment has been arbitrarily denied to the writ petitioner.

10. On behalf of the respondents, it is urged that the Recruitment Rules or the advertisement never contemplated award of 10 additional marks for possessing Driving License.

11. Learned counsel for the petitioner in reply submits that the authorities have clearly stated that the Interview Board did allocate 10 marks for possessing Driving License.

12. It is not in dispute that the petitioner had scored 45 marks. It is also undisputed that persons, elder in age with same marks, were otherwise available on account of which the petitioner had not secured enough marks so as to entitle her to be placed in the select list.

13. The claim of the petitioner is based upon 10 additional marks on account of her possession of a Driving License. It is, therefore, for the petitioner to demonstrate that under the Recruitment Rules or the advertisement, 10 additional marks were to be awarded to a candidate for possessing Driving License.

14. Though, various submissions are advanced by the learned counsel for the petitioner but none of the grounds in the OA filed by the petitioner contain any assertion that 10 additional marks were to be awarded to a candidate for possessing Driving License.

15. In absence of the any pleadings in that regard, we are not persuaded to consider the submission of the petitioner that she was entitled to 10 additional marks. On what basis and criteria, marks were allocated at



the time of interview by the Interview Board, would not determine the entitlement of the petitioner to be awarded 10 additional marks.

16. The law is settled that the person, who approaches the Court, must specifically plead and prove his/her entitlement before such relief can be granted. In absence of any such pleading or proof put forth by the petitioner, we are not persuaded to consider petitioner’s claim. We may otherwise note that the advertisement in question was issued in the year 2011. The recruitment concluded in the year 2013. Appointments have otherwise been made and after expiry of 12 years, we would otherwise not be required to interfere in the matter particularly when the petitioner has failed to establish her claim.

17. In view of the aforesaid, the writ petition is dismissed.

18. All pending applications in this case are disposed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[KULDEEP TIWARI]
JUDGE

July 22, 2025
Ess Kay

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No