



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

229

CWP-12748-2021

Date of Decision : **March 18, 2026**

PARVESH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present : Mr. B.S.Bairagi, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl. AG, Haryana.

DEEPINDER SINGH NALWA, J. (Oral)

1. In the present writ petition, the petitioner is praying for issuance of a directions in the nature of mandamus directing the respondents to re-consider the case of the petitioner for appointment on the post of Constable (General Duty) (Male), as the petitioner has secured 53.80 marks which also are the marks secured by the last candidate.

2. Brief facts of the case are that respondent No.2 issued an advertisement for the purpose of filling up of 5000 posts of Constable (General Duty) (Male). In pursuance to the abovesaid advertisement, the petitioner applied for the post of Constable (General Duty) (Male) under the BC-A category. The petitioner was called for physical screening test on 09.02.2019. The petitioner duly appeared in the said test and successfully passed the abovesaid test. Thereafter, the petitioner was called for interview-cum-personality test. The petitioner duly participated in the abovesaid test.

The final result was declared by the respondents. As per the result, the petitioner has secured 53.80 marks in the BC-A category. As per the petitioner, the person who secured equal marks have been offered appointment, but the petitioner has not been considered for appointment. Aggrieved against the abovesaid action of the respondents in not offering appointment to the petitioner, the petitioner has filed the present writ petition.

3. The only contention raised by the learned counsel appearing on behalf of the petitioner is that although the petitioner has secured 53.80 marks, which are the same marks secured by the last candidate selected under the category of the petitioner but the name of the petitioner has not been mentioned in the waiting list nor has been offered appointment.

4. The learned State counsel submits that all the posts in the category in which the petitioner applied, i.e. BC-A category have been filled on the basis of merit. He further submits that although the petitioner has secured 53.80 marks, which is equal to the marks secured by the last candidate selected in the category of the petitioner, however, the selection has been made on the basis of merit. He submits that, as per the relevant instruction, if candidates secure same marks, the candidate, who is older in age is to be given preference for the purpose of appointment. Taking into consideration the abovesaid instruction, candidates have been selected and appointed.

5. I have heard the learned counsel for the parties at length.

6. In regard to the contention raised by the learned counsel appearing on behalf of the petitioner that the petitioner's name does not figure in the waiting list and has not been considered for appointment is concerned,

no prejudice has been caused to the petitioner even if the name of the petitioner is not mentioned in the waiting list as, all the posts, which were advertised in pursuance to the advertisement in the category in which the petitioner has applied, have been filled on the basis of merit. It is not the case of the petitioner that the candidates who had secured less marks have been selected and have been appointed nor it is the case of the petitioner that the candidates, who have secured same marks and were younger in age, have been selected and appointed. As the selection has been made on the basis of merit and in light of above mentioned instruction.

7. This Court finds no merit in the present writ petition. Accordingly, the same is, hereby, dismissed.

8. Pending application(s), if any, also stand disposed of accordingly.

March 18, 2026

ajaysharma

(DEEPINDER SINGH NALWA)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No