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

CWP-2163-2017

Date of Decision: 16.02.2026

UPKAR SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL.

Present:- Mr. Jagdish Singh Mahal, Advocate for petitioner

Mr. Aman Dhir, D.A.G., 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 consider him for the post of Constable in District Police Cadre and Armed Police Cadre considering result of his five subjects in 10+2 exam.

2. The petitioner pursuant to Advertisement No.1/2016 applied for the post of Constable. He cleared all the stages including physical test. His name did not appear in the final merit list. He was awarded 28 marks and cut-off was 28 marks. He being junior in age was not selected though scored marks equal to the last selected candidate.

3. Learned counsel for the petitioner submits that petitioner was having Biology as additional subject in 10+2. He scored 66 marks in Mathematics and 75 in Biology. The respondent has considered his marks in 10+2 taking into account marks of Physics, Chemistry and Mathematics whereas respondent should consider his marks of Physics, Chemistry and Biology. If his marks of Biology are considered, he would be entitled to 15



marks for 10+2 whereas he has been awarded 14 marks. If he is awarded 15 marks for 10+2, his total marks would be 29 and would be selected.

4. *Per contra*, learned State counsel submits that marks of additional subject cannot be considered. There is no rule providing for marks of best of five. The respondent sought opinion of Education Board which has clarified that marks of additional subject cannot be considered.

5. Heard the arguments and perused the record.

6. The petitioner pursuant to Advertisement applied for the post of Constable. As per Advertisement, candidates are entitled to marks ranging from 10 to 15 as per performance in 10+2. A candidate having more than 80% marks is entitled to 15 marks. Relevant clause of the Advertisement reads as:-

*“MARKS FOR PERFORMANCE IN 10+2 BOARD EXAM
(Applicable to all male and female candidates except Ex-Servicemen)*

<i>Percentage of marks (10+2 Board exam)</i>	<i>MARKS</i>
<i>Upto & including 40%</i>	<i>10</i>
<i>More than 40% and upto & including 50%</i>	<i>11</i>
<i>More than 50% and upto & including 60%</i>	<i>12</i>
<i>More than 60% and upto & including 70%</i>	<i>13</i>
<i>More than 70% and upto & including 80%</i>	<i>14</i>
<i>Above 80%</i>	<i>15 (Maximum)”</i>

7. From the perusal of above-quoted clause, it is evident that relevant rules and regulations of Education Board are applicable with respect to marks in 10+2. The respondent is relying upon letter dated 28.07.2023 issued by Punjab School Education Board, Mohali whereby Board has clarified that additional subject is optional and if a candidate has passed additional subject, the marks of additional subject are separately mentioned, however, marks are not counted for the purpose of percentage. The Board has not pointed out any



particular rule. The petitioner has placed on record his marksheet of 10+2. In the marksheet, the Board has considered marks of Mathematics while calculating total marks and marks of additional subject i.e. Biology have been separately recorded.

8. The petitioner has not pointed out any particular rule in support of his contentions. The Advertisement is providing that rules of Education Board would be applicable. The Education Board has issued letter, however, it is not based upon any particular rule. In the marksheet, marks of Biology are recorded but not included in total marks. In such circumstances, this Court cannot conclude that respondent was supposed to count marks of best of five subjects. Hon'ble Supreme Court in ***Maharashtra State Board of Secondary And Higher Secondary Education, Pune V/s State of Maharashtra And Others***, **Civil Appeal No. 6256 of 2010** decided on 18.08.2011 has considered issue involved herein with respect to admission of students in 10 + 1. In the said case, there was Resolution dated 25.02.2010 read with Corrigendums dated 14th and 16th June 2010 passed by State Government. In the case in hand, there is no such Resolution or Rule to adjudicate the claim in favour of the petitioner.

9. Dismissed.

10. Pending Misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

16.02.2026
SDK

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