

**CWP-37223-2019****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(215)****CWP-37223-2019****Date of Decision : February 16, 2026****Saurav Gupta****.. Petitioner****Versus****Bharat Sanchar Nigam Limited and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI****Present: Mr. H.S. Saini, Advocate, for the petitioner.****Ms. Ashima Mor, Advocate, for respondents No. 1 & 2.
(joined through VC)****HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the order dated 16.11.2017 (Annexure P-6) passed by respondent No.3- Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which, the original application filed by the petitioner to consider Gate Exam given by him in the year 2015 as valid for selection to the post of Junior Telecom Officer (JTO), has been dismissed.

2. Learned counsel for the petitioner argues that the petitioner was declared ineligible to be appointed on the post in question for not passing the " Gate Examination of the year 2017" though the petitioner had already passed a Gate Examination in the year 2015 which had a validity of three years i.e. upto the year 2018.

3. Learned counsel for the petitioner submits that declining of the benefit is arbitrary and illegal and therefore, the respondents are liable to be

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directed to appoint the petitioner against one of the post of Junior Telecom Officer (JTO) against which, the petitioner had competed.

4. Learned counsel appearing on behalf of respondents No. 1 and 2 submits that vide an interim order dated 31.03.2017, the petitioner was allowed to participate in the recruitment process and even if it is assumed for the sake of argument that the petitioner was eligible to be appointed on said post, then also, he did not fall within the zone of merit as his score in 'GATE' exam was less than the score of the last selected candidate.

5. We have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Once, the petitioner was allowed to compete by way of an interim order and his score qua GATE Examination in the year 2015 was taken into account and a finding has been recorded that the last selected candidate had more score than the petitioner hence, even if it is assumed for the sake of argument that the petitioner is eligible to be selected for said post, then also, he did not fall within zone of selection. Said finding has gone un-rebutted at the hands of the petitioner even during the hearing of the present petition.

7. The Tribunal has already recorded the finding that no benefit of appointment can be given to the petitioner as no candidates having lesser marks have been shown to have been selected and appointed. In the absence of any such fact brought before this Court also that any candidate having lesser marks has been appointed in preference to the petitioner, even if the petitioner is treated eligible, then also, he will have no right to claim appointment as claim can only be raised in case anyone having lesser merit

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has been appointed in preference to the petitioner. No such fact has been brought to the notice of this Court.

8. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

9. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

February 16, 2026
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No