
(2014) 11 P&H CK 0054
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 15195 of 2013

Arvind Goyal

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 11-11-2014

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2015) 1 SCT 140

Hon'ble Judges : Mahesh Grover, J

Bench : Single Bench

Advocate : Ashok Bhardwaj, Advocates for the Appellant; Sudeepti Sharma, D.A.G, Advocates for the Respondent

Judgement

Mahesh Grover, J.—The petitioner has made a prayer that he be permitted to appear in the Punjab State Civil Services Combined Competitive (Main) Examination-2012 since some similarly situated candidates having equivalent marks as the petitioner in the preliminary examination have been permitted to do so. The facts giving rise to the petition may be noticed in brief. The respondent No. 2 issued an advertisement on 14.9.2012 inviting applications from eligible candidates intending to fill up 160 posts through the process of competitive examination. The petitioner being eligible applied for the same and while competing with other candidates scored 195 marks in the preliminary examination in the general category. According to the respondents, the cut off of prescription of marks for general category was 197 marks.

2. There was some dispute which was agitated before this Court by way civil writ petitions where discrepancies in the answer key as against the questions indicated were highlighted and this court while answering a bunch of those petitions with a similar grievance directed vide its order dated 1.5.2013 to correct the answer keys of question No. 36 of Paper-II and to review the ORM Sheet of all the candidates.

3. The resultant revision in the marks affected 67 candidates and as a

consequence some persons who had found their names in the merit list earlier went out while a few managed to get in.

4. The petitioner as a result of the exercise scored 196 marks which was again less than 197 marks as the prescribed cut off. Some incumbents who had also scored 196 marks equivalent to the petitioner but had been unable to make the grade on account of the revision filed civil miscellaneous petitions before this Court praying that they be permitted to take the main examination as well since on an earlier point of time they had been shown in the merit list and it is only on account of subsequent revision that their names were omitted from the list. This Court granted them this indulgence and resultantly such persons took the examination.

5. The petitioner now claims discrimination and violation of Article 14 of the Constitution of India on this score as it is his case that all persons who were similarly situated ought to have been given the benefit of the order of this Court so as to enable all of them to take the written examination.

6. The respondents have filed their response and on facts there is no dispute. They have stated that the petitioner who competed in the general category had scored 195 marks which was less than the cut off prescribed i.e. 197 and even after the revision of the result he remained below the cut off marks. Besides, they have stated that the main examination stands concluded on 21.7.2013.

7. The Court has considered the rival contentions of the parties and before it embarks upon to make any comment on the controversy, it notices that the order dated 24.5.2013 by which certain persons were permitted to participate in the main examination is not on record. Be that as it may, the fact remains that right since the declaration of the result the petitioner was never in the reckoning. He was two marks short of the prescribed cut off of 197 and even after revision of result he remained short of the marks. If some indulgence had been shown by this Court to some individuals, then it ipso facto may not translate into a similar benefit to the petitioner unless he had demonstrated before this Court in what circumstances the orders were passed granting permission to those persons who had scored equivalent marks as the petitioner. In any case, those orders were passed on the applications moved by such persons apparently when writ petitions were pending and the interim directions would not necessarily apply to those persons who had never approached this Court.

8. The petitioner cannot claim discrimination on this score. The respondents have been true to their stand in not permitting any candidate to participate in the main examination if he had not achieved the cut off marks and, but for the indulgence shown by this Court they would not have deviated from their stated position and justifiably so. If the plea of the petitioner is accepted then the entire examination process which would include short listing on the basis of merit would be frustrated. The selection process which includes the examination has acute sanctity which needs to be respected by all. It is a process which can be termed

to be trial by fire, and therefore unless shown to be tainted or tampered with, the court ought not to place any misplaced sympathy to deliver an order in favour of a person who otherwise does not make the grade. Finding that the petitioner was short of merit, I would not deem it appropriate to exercise any indulgence in this case.

No ground to interfere.

Dismissed.