

(2016) 08 P&H CK 0328

In the Punjab And Haryana At Chandigarh

Case No : CWP No. 16571 of 2016.

Jasmine Kaur Gill - Petitioner @HASH State of Punjab and another

Date of Decision : 17-08-2016

Acts Referred:

Constitution of India, 1950 — Article 14, Article 16, Article 226

Citation : (2017) 1 SCT 229

Hon'ble Judges : Daya Chaudhary, J.

Bench : Single Bench

Advocate : Gurcharan Dass, Advocate, for the Petitioner

Final Decision : Disposed Off

Judgement

Daya Chaudhary, J. (Oral)—The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to hold written test to select 1213 candidates of General Category out of total 4616 candidates and to prepare the selection list of Clerks and Clerks-cum-Data Entry Operators. A further prayer has also been made for issuance of direction to respondent No.2 to prepare the merit list of qualifying marks obtained by all the candidates in Punjabi and English type writing test and display the same by way of public notice.

2. Learned counsel for the petitioner submits that neither the marks have been mentioned nor any list has been displayed so that the petitioner and other similarly situated candidates can know about their performance in the type test. In the notice published by the respondents, it was mentioned that the written test may also be conducted but the candidates have been short listed on the basis of type test and the marks obtained in Graduation course. There are many candidates whose marks in the column of "obtained marks" are more than the total marks, which shows that the list has been prepared without any application of mind and just to give benefit to some of the candidates. Learned counsel further submits that keeping in view the nature of duties and the post, the marks obtained in Graduation Course cannot serve the purpose of the post without holding any written test. At the end, learned counsel submits that the

respondents are going to prepare the final list and to declare the list of selected candidates only on the basis of percentage obtained by them in the Graduation Course. The petitioner has also made representations (Annexures P-20 and P-21) on 04.07.2016 but the same have not been considered so far. Learned counsel also submits that the petitioner would be satisfied in case, directions are issued by this Court to consider her representations (Annexures P-20 and P-21).

3. Keeping in view the limited prayer of the petitioner, the present writ petition is disposed of with a direction to respondent No.2 to consider the representations (Annexure P-20 and P-21) moved by the petitioner and take necessary action in accordance with law as well as the terms and conditions of the advertisement and notice issued subsequently, within a period of one month from the date of receipt of certified copy of this order.

4. Disposed of accordingly.