



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

207 **Reserved on : 26.02.2026**
Pronounced on : 05.03.2026

1. CWP-18175-2010 (O&M)

KAMALJIT SINGH AND ORS. ...Petitioners
Versus

STATE OF PUNJAB AND OTHERS ...Respondents

And

2. CWP-18169-2011 (O&M)

AVTAR SINGH AND ORS. ...Petitioners
Versus

STATE OF PUNJAB AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Rohit Kataria, Advocate for
Mr. Manu K. Bhandari, Advocate
for the petitioners

Mr. Aman Dhir, D.A.G., Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order the instant petitions are disposed of since issues involved in the captioned petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from **CWP-18175-2010**.

2. The petitioners through instant petition under Articles 226/227 of Constitution of India are seeking setting aside of result dated 08.05.2010 declared by respondents whereby they have not been declared successful in the merit list of B-I Test.



3. The petitioners belong to Punjab Police Force and they had joined service as Constables. The respondents in 2009 conducted written test and parade test of Constables for deputing them to promotional course i.e. Lower School Course. The respondent declared result on 16.02.2009 wherein they were declared successful. Few unsuccessful Constables preferred *CWP-2891-2009* and *CWP-6935-2009* assailing aforesaid result. This Court vide order dated 27.04.2010 disposed of both the petitions with a direction to respondent to conduct parade test and interview afresh. The respondents conducted parade test and interview as per directions of this Court and declared result on 08.05.2010. The petitioners were declared unsuccessful. They were awarded marks less than awarded in previous round.

4. Learned counsel for the petitioners submits that visual examination of CD of the parade test reveals that there is one Constable who was limping still was awarded marks more than petitioners and declared successful in the B-I Test. This fact was brought in the knowledge of this Court by way of an application. This Court vide order dated 25.08.2011 directed the State counsel to have instructions as to why the matter be not sent to some independent agency for investigation.

5. *Per contra*, learned State counsel submits that fresh parade test and interview was conducted. The process was video-graphed. The petitioners are relying upon result/marks of one constable who was little limping. He was suffering from fracture at that point of time. The marks were not awarded for walking whereas marks were awarded for performing different activities. The Officers found him fit for all purposes and awarded marks. There was no illegality in the entire selection process. No



officer had vested or implied interest. A team of senior IPS Officers conducted the test.

6. Heard the arguments and perused the record.

7. This is second round of litigation. On the earlier occasion, few unsuccessful candidates preferred CWP-2891-2009 and CWP-6935-2009 which were disposed of vide order dated 27.04.2010. The respondent was directed to constitute an Officers' Committee comprising IPS Officers to conduct fresh parade test and interview of all candidates. The operative portion of order dated 27.04.2010 reads as:-

“Consequently and in view of the consensus arrived at between the parties, it is directed that there shall be an Officer's Committee comprising Shri Paramjit Singh Gill, IPS, Inspector General of Police, Patiala Zone along with the SSPs of Sangrur and Fatehgarh Sahib districts, who shall take the Parade Test and interview of the petitioners and all other candidates, who have qualified the written test as per the rectified/corrected result of the written examination. The Committee is directed to notify the criteria to be followed while awarding marks to the candidates in the Parade Test and/or interview. Let the Parade Test and interview be held and final results be declared by the Officers' Committee within a period of two weeks from the date a copy of this order is received.

Disposed of.”

8. In compliance of aforesaid order, the respondent conducted parade test and interview afresh. All the eligible candidates were permitted to participate in parade test and interview. The petitioners are claiming that they were awarded lesser marks than awarded in previous round. They are further claiming that there was one candidate who was limping still was



declared successful.

9. During the course of hearing, video presented by petitioners as well as by learned State counsel, was played on the computer of Court Master. Visual examination of the video revealed that one candidate was slightly limping, however, he was not subjected to race. He was asked to handle stick, rifle and salute. The marks were awarded for all the activities. There is nothing on record disclosing that there was *mala fide* intention or partiality in favour of said candidate. In any case, 85 candidates were subjected to parade test and interview. Entire selection process which was monitored by a Committee of 3 IPS Officers constituted by this Court cannot be set aside. It is apt to notice that test was conducted in 2010. A period of more than 15 years has passed away. The selected candidates have already been adorned with rank of Head Constables and they in all probabilities must have been further promoted. In such circumstances, their result cannot be disturbed. This view is supported by judgment of Hon'ble Supreme Court in "***Sivanandan C.T. and Others v. High Court of Kerala and Others***", 2023 SCC OnLine SC 994.

10. The petitioners participated in parade test and interview. They are claiming that they have been awarded lesser marks than in the previous round. Fresh test was conducted on the directions of this Court. In the fresh test, there were all probabilities of increase or decrease in the marks of every candidate. No candidate could rely upon marks of previous round, thus, contention of petitioners that they were awarded lesser marks in fresh parade test is misconceived and cannot be countenanced.

11. It is settled proposition of law that Court can interfere in selection process if there is manifest arbitrariness or *mala fide* on the part



of authorities. The petitioners except pointing out that one selected candidate was limping have not adduced any other concrete evidence to hold that there was manifest arbitrariness or *mala fide* on the part of authorities. The test was conducted on the directions of this Court and was monitored by a Committee of IPS Officers which was also constituted by this Court. In the absence of evidence of *mala fide* or manifest arbitrariness, there is no scope of interference. The Recruitment Board is the best judge to ascertain merit of the competing candidates. Courts cannot set aside opinion of Recruitment Board.

12. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petitions deserve to be dismissed and accordingly dismissed.

13. Before parting with the judgment, it is hereby observed that few petitioners participated in subsequent tests and were declared successful. There are few candidates who did not participate in subsequent tests. There are few candidates who by interim orders of this Court were permitted to participate in the Lower School Course. Any candidate who has completed Lower School Course as per interim directions of this Court would be entitled to benefit of outcome of Lower School Course and would not be asked to undergo another round of Lower School Course.

14. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

March 05, 2026

Deepak DPA

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

Uploaded on :- 05.03.2026