

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

W.P. (C) No.7297/2009

Date of Decision: November 09, 2009

ANJU SHARMA Petitioner
Through Ms. Deepali Gupta, Legal Aid
Counsel

versus

GOVT. OF NCT & ORS Respondents
Through Ms. Purnima Maheshwari,
Advocate for respondent No.1.
Mr. O.P.Sharma, Advocate for R-2.

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the reporters of local papers may be allowed to see the judgment? No
2. To be referred to the reporter or not? No
3. Whether the judgment should be reported in the 'Digest'? No

REKHA SHARMA, J. (ORAL)

The grievance of the petitioner who had applied for the post of Assistant Teacher (General) in Guru Nanak Girls Senior Secondary School, is that she had secured highest marks on the basis of her educational qualification and yet was given less marks in the interview in order to favour the candidates belonging to the minority community. The detailed chart showing marks obtained by each candidate in relation to the educational qualification and the interview is annexed as Annexure R-2/B in the counter-affidavit of respondent No.2. A perusal of the said chart does go to show that the petitioner whose name appears at serial No.2 obtained the maximum marks in

so far as her educational qualification was concerned, but in the interview, she was given 5 marks out of 20 which were the lowest. The said chart also shows that those candidates who have been ultimately selected secured less marks in comparison to the petitioner qua their educational qualifications.

It is submitted by learned counsel for the petitioner that the pattern of the marks awarded in the interview reflects bias on the part of the members of the Selection Committee in favour of the candidates belonging to the minority community. The allegation so made is strongly refuted by learned counsels appearing for the respondents who submit that except for the Chairman Sardar Mansa Singh, all other members of the Selection Committee were non-Sikhs and one of them was the nominee of the Director of Education and one was the Zonal Officer of the Director of Education. It is further submitted that in view of the constitution of the Selection Committee, the allegation of bias is totally unfounded and uncalled for. In any case, it has been pointed out that all the selected candidates do not belong to the minority community and that two out of them, namely, Pooja Arora and Ritu are from the other community.

Having regard to what has been noticed above, I am of the view that mere fact that the petitioner secured highest marks as against other candidates on account of her educational qualification does not *ipso-facto* make her eligible for selection to the post of Assistant Teacher. The marks obtained in the interview are of no less significance and what marks are to be given to a candidate in the interview is the sole discretion of the Selection Committee. The petitioner has failed to make out a case that the Selection Committee

was favourably inclined towards the candidates belonging to the minority community, especially when two out of five selected do not belong to minority community. I see no merit in the petition. The same is dismissed.

REKHA SHARMA, J.

NOVEMBER 09, 2009
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