

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No.6815 of 2019
Decided on: 19.08.2026

Anu Chauhan

...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioner: Mr. Surinder Saklani, Advocate.

For the respondents: Mr. Sumit Sharma, Deputy
Advocate General for respondents
No.1 to 3-State.

None for respondents No.4 to 22.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner by way of present petition has
prayed for the following substantive reliefs:-

“(a) *That impugned select list annexure A-3 dated
8.2.2016 may very kindly be quashed and set
aside.*

(b) *That the respondents may very kindly be directed
to consider the case of applicant for appointment
to the post of Medical Officer (Female) Ayush, in
Distt. Kangra, Himachal Pradesh.”*

2. The facts as emerge from the pleadings are that
respondent No.2 had issued an advertisement No.4/2015

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

(Annexure A-1) inviting applications from the desirous and eligible candidates to be engaged on contract basis for the post of Medical Officer (Female) Ayush, among other posts. Total 31 posts were allocated to District Kangra, H.P. The petitioner, being eligible to hold the post of Medical Officer (Female) Ayush had also applied for the same, since she belongs to District Kangra (HP) under unreserved category. Out of total 31 posts, 19 posts were for unreserved category.

3. It has been averred in the petition that as per the advertisement, the candidates will be shortlisted on the basis of academic qualification mark, experience and only five candidates per post will be called for interview. After shortlisting the candidates, they were called for interview and the petitioner remained under belief that since there are 19 posts for unreserved category in District, Kangra (HP), to which she belongs, respondents will call only 95 persons for interview, however, she was astonished to the note that out of 19 persons, 12 persons who were selected were far below than the petitioner. It has also been averred that a large scale irregularity has been committed by respondents No.1 to 3 in the selection of Medical Officer

(Female) Ayush and even a news item had been published to this extent in the newspaper Dainik Savera dated 18.02.2016 that the appointments have been made dehors the guidelines issued for the purpose of appointment. It has further been averred that the petitioner has every reason to allege that the appointments have been made on some extraneous consideration as guidelines are clear to this extent that only five candidates per post were to be called after list is prepared, but instead of calling five persons per post, the respondents had called more than eight persons per post as 165 persons were called for interview against 19 posts for unreserved category and accordingly, has prayed for quashing the select list, which has been sent to respondent No.2 vide recommendation dated 08.02.2016.

4. Respondents No.1 to 3 filed reply to the petition and raised preliminary submissions that the petitioner has not brought the complete factual position before the Court. Every action on the part of respondents No.1 to 3 is fair and transparent, as the selection and appointment to the post of Medical Officer (Ayush) (Female) has strictly been made as per merit arrived at in view of the criteria of selection laid down and approved by the competent authority. No legal,

legitimate and enforceable right of the petitioner has been infringed and denied to her. She has not been deprived of any of her vested right and had she successfully competed at par in order of merit with other successful candidates, she would have definitely been selected in the matter. It has further been averred that the plea advanced by the petitioner for not making the selections after shortlisting the candidates as per guidelines and criteria fixed is not sustainable in the light of the fact on record. As a matter of fact, the appointments to the post of Medical Officer (Female) Ayush, which as per the advertisement, were to be made on contract basis under National Health Mission, H.P. Though as per the initial advertisement, five candidates per post were to be called for interview and as such against the un-reserved 19 posts of Medical Officer (Female) Ayush, in total 95 candidates were to be called for interviews after shortlisting. It has also been averred that as per the criteria/weightage approved with regard to interviews for all the posts as conveyed vide letter dated 08.12.2015, it was specifically provided that for Medical Officer (Ayush) (Male/Female), the criteria will be as follows:-

“Matriculation	= 10	(to be awarded on
Plus two/10+1	= 20	on pro-rata basis)

Degree in Ayurveda	= 45	
Experience	= 05	(3-5 years = 2 marks) (5-10 years = 4 marks) (10 and above= 5 marks)
Interview including assesment of computer efficiency	= 20	
Total	= 100 marks"	

5. It has further been averred that it came to the notice that some candidates, who had applied for the post of Medical Officer (Ayush), neither indicated the percentage of marks obtained by them in Matric and Higher Secondary/10+2 examination nor attached copies of certificates of these standards with their application. As such, it was decided and clarified to direct all such candidates after contacting them through e-mail/mobile to submit the certificates in a time bound manner by also displaying instructions to that effect on the notice board. Further though notice was displayed on the notice board to the above effect, but many candidates could not be contacted as their mobiles were either not reachable or switched off. In light of the above peculiar facts and circumstances and after discussion, it was decided to call all candidates for interview, instead of shortlisting, in order to give fair chance to all such candidates in equal manner

without any discrimination as otherwise the shortlisting of candidates was not possible in absence of the educational qualification certificates in terms of the criteria fixed vide letter dated 08.12.2015. As such, every action on the part of respondents No.1 to 3 is just and proper and same deserves to be upheld.

6. The petitioner filed rejoinder to the reply and controverted the pleas raised therein.

7. I have heard the learned counsel for the parties and also perused the record carefully.

8. No doubt, when the advertisement was issued to invite the applications for the posts of Medical Officer (Female) Ayush, it was mentioned that the candidates will be shortlisted on the basis of academic qualification mark, experience and only five candidates per post will be called for interview, but it is not disputed by the petitioner that some of the candidates had not mentioned the percentage of marks obtained by them in Matric/Higher Secondary/10+2 examination. As per the criteria/weightage approved with regard to interviews for all the posts as conveyed vide letter dated 08.12.2015, the marks were to be awarded to the candidates of the examination of

Matriculation and 10+2 as well as the degree of Ayurveda on pro-rata basis. Since few of the candidates, who had though applied, but had not mentioned the marks obtained by them in the academic qualification, as mentioned above, the action on the part of respondents No.1 to 3 to call all the candidates, irrespective of the condition laid down in the advertisement that only five candidates per post will be called for interview, cannot be said to be unjustified, especially when the petitioner had also participated in the process, but she had scored less marks than the last candidate, who was recommended for appointment to the post of Medical Officer (Female) Ayush.

9. Learned counsel for the petitioner has vehemently argued that once the advertisement was issued, clearly mentioning therein in unequivocal terms that the candidates will be shortlisted on the basis of academic qualification marks, experience and only five candidates per post will be called for interview, changing of the said criteria in between is totally unjustified. No doubt, it is now settled that the criteria laid down in the Recruitment and Promotion Rules and conditions laid down in the advertisement, cannot be changed mid-way, but at the same time, the Court

cannot ignore the fact that the candidates, who had also applied for the posts of Medical Officer (Female) Ayush had not appended the requisite certificates to ascertain the exact marks obtained by them in the essential qualification, which was one of the criteria for awarding the marks and the respondents could not draw the merit to shortlist 95 candidates for 19 posts of Medical Officers (Female) Ayush, therefore, it cannot be construed that any injustice has been caused to the petitioner, especially when the respondents have not changed the criteria with respect to qualification as well as the awarding of marks, but only called all the candidates, who had applied for the posts of Medical Officer (Female) Ayush and the said action cannot be said to be in any manner actuated with malafide or prejudicial to the interest of the petitioner, more particularly when she has been awarded the marks on the basis of her qualification. It is not even the case of the petitioner that she has not been awarded the marks on the basis of her qualification.

10. Learned counsel for the petitioner also made an attempt to seek direction to the respondents to offer appointment to the petitioner, keeping in view the order

passed by the erstwhile Himachal Pradesh State Administrative Tribunal (in short 'the Tribunal') in the present petition, since it was initially instituted before the learned Tribunal, when one post was ordered to be kept vacant. The said submission cannot be accepted for the reason that the Court cannot ignore the merit of other candidates, who may have got more marks as per the criteria laid down for making selection.

11. Learned counsel for the petitioner placed reliance upon the judgment passed by the Division Bench of this Court in CWP No.3890 of 2009, titled, ***Dr. Jyoti Verma vs. State of H.P. and others***, along with connected matter and contended that the case of the petitioner is covered by the said judgment. However, a perusal of aforementioned judgment shows that the Selection Committee in the said case had relaxed the qualification, which was held to be illegal. In the present case, the Selection Committee did not relax the educational qualification, but had only permitted all candidates, who had applied for the posts of Medical Officer (Female) Ayush to be called for the interview, keeping in view the fact that they had not appended the requisite testimonials to

ascertain the merit. Therefore, it cannot be said that respondents No.1 to 3 have committed any illegality or acted in a manner, which was prejudicial to the interest of the petitioner, by calling all eligible candidates, who had applied within the period of inviting applications.

12. Consequently, I do not find any merit in the present petition and the same is dismissed. No order as to costs. Pending applications, if any, also stand disposed of.

19th August, 2026
(Anurag)

(Jiya Lal Bhardwaj)
Judge