

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP no.10880 of 2013(O&M)

Date of Decision :20.10.2015

Pinki Devi

....Petitioner(s)

Versus

Haryana Staff Selection Commission

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

- 1)Whether reporters of local newspapers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present : Mr.S.P.Chahar, Advocate for the petitioner

Mr. Hitesh Pandit, Addl. AG, Haryana

**MAHESH GROVER, J.**

The petitioner makes a grievance of the selection process, excluding candidates who secured less than 65% marks in the basic qualification prescribed for the post (in general category) which in this case is female supervisor. 278 posts were advertised with following qualifications:-

**WOMAN AND CHILD DEVELOPMENT DEPARTMENT HARYANA**

Cat No.3     278 posts of Female Supervisor  
(GEN = 118, SC =47, BCA =34 BCB = 21, ESM GEN = 20, ESM SC = 6, ESM BCA = 7, ESM BCB = 9, OSP GEN = 2, OSP SC = 3, OSP BCA =3 OSP BCB = 1, PHC Blind/LV = 7)

- i) Graduate from recognized university, preferably in Home

Science or Child Development or nutrition.  
ii) Hindi/Sanskrit upto Matric Standard.”

The respondents issued a corrigendum stating that in view of the large number of applications the Commission has decided to shortlist candidates for interview in the respective categories on the basis of the essential advertised qualifications i.e graduate from recognized university preferably in Home Science, Nutrition and Child Development. In this way minimum essential qualification was prescribed. Persons having 65% marks were called for interview. Since the petitioner belonged to the general category the controversy would centre around this aspect only.

Concededly the petitioner does not have 65% marks and was thus excluded from the process of interview which is the cause of grievance to her.

It has been contended by the learned counsel for the petitioner that excluding persons with less than 65% marks altogether has resulted in a prejudicial situation for the petitioner and other similarly situated persons as she did not get an opportunity to compete. The condition imposed is particularly oppressive for the reason that the petitioner fell in the category of candidates who could have been given a preference having Home Science as the subject in graduation.

The respondents have placed on record Annexure R-1 to indicate the number of candidates who were considered in each category. For the purposes of

reference relevant extract of R-1 is reproduced herebelow:-

| Total no. of posts | Total no. of candidates shortlisted | Total no. of candidates appeared in interview | No. of candidates having B.Sc in Home Science | No. of candidates having Home Science as a subject in Graduation | No. of candidates of Graduation in Child Development | No. of candidates having Graduation in Nutrition | No. of candidates having subject Home Science/ Child Development / Nutrition in Post Graduation | Total no. of candidates having preferential qualification i.e Graduation in Home Science, Child Development or Nutrition. |
|--------------------|-------------------------------------|-----------------------------------------------|-----------------------------------------------|------------------------------------------------------------------|------------------------------------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| 278                | 9372                                | 7234                                          | 458                                           | 483                                                              | Nil                                                  | 01                                               | 20                                                                                              | 962                                                                                                                       |

A perusal thereof indicates that 458 candidates having B.Sc in Home Science were considered while 483 candidates graduates with Home Science as one of the subjects were considered whereas 20 candidates were Post Graduates having Home Science, Child Development or Nutrition as one of the subjects and 01 candidate was a Graduate in Nutrition.

This would imply that 962 candidates having preferential qualification of B.Sc. (Home Science) and Graduation and one with Home Science, Child Development and Nutrition as one of the subjects were considered.

On due consideration of the matter, I do not find any irrationality or illegality in the selection process adopted by the respondents considering that large number of applications were there as against limited number of posts. Respondents were very well within their rights to lay down a criteria based on merit to offer rationality to the selection process. A prescription of marks based on academic qualification being just one of the yardsticks for determining merit in the interview process cannot be termed to be oppressive if it results in

exclusion of some persons. Obviously the respondents are embarking on selection of persons on merit and if resorting to such process candidates can be shortlisted purely on the basis of meritorious academic record then it cannot be termed to be unfair process, particularly, when no taint has been shown in the process. Merely because there can be an alternate method to the process adopted by the respondents cannot be termed to be arbitrary or unfair simply because another view is possible. Consequently, I do not find any merit in the instant petition and the same is hereby dismissed.

October 20, 2015  
rekha

**(Mahesh Grover)**  
**Judge**