

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

CWP No.10390 of 2015

Date of decision: 23.07.2015.

Parmod Kumar

..Petitioner

Versus

The State of Haryana and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Jagbir Malik, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

The present writ petition has been filed for issuance of a writ in the nature of certiorari for quashing of impugned selection of respondents No.4 to 13 on the post of Record Clerk (Blood Bank) being illegal and violative of Articles 14 and 16 of the Constitution of India.

Learned counsel for the petitioner submits that the petitioner being more meritorious was not allowed to participate in the selection process whereas the selected candidates were less meritorious still they have been selected. Learned counsel for the petitioner further submits that the petitioner participated in the written test, result thereof was also declared. The petitioner has got 90 marks and he secured second position in the written test. The cut off marks of General Category were fixed at 84 and all the candidates of

General Category, who have secured upto 84 marks were called for interview but the petitioner was not called despite the fact that he has secured 90 marks in the written test. The petitioner made a request before the Interview Committee but his request was not accepted. The interview was conducted on 20.02.2013 and the result was also declared. Subsequently, after receiving information under RTI, the petitioner came to know the marks secured by him as well as by other candidates, who were selected and appointed. Learned counsel also submits that the selected candidates of General Category have been given 13 marks in the interview whereas had the petitioner been allowed to appear in the interview, he would have been selected even on getting one mark. The right of the petitioner for consideration was deprived of by the respondents and as such, the selection of all the candidates is liable to be quashed solely on this ground.

Admittedly, the petitioner appeared in the written test and thereafter, he was not allowed to appear before the Interview Committee. The selection took place in the year 2013 and the petitioner was having opportunity to challenge the action of the respondents in not calling him for interview or for not allowing him to appear before the Interview Committee but he failed to challenge the same.

Learned counsel for the petitioner has not been able to show from the averments made in the writ petition as well as from any document during his arguments that even any representation was made to the higher authorities with regard to disallowing him to appear

before the Interview Committee. The petitioner has made no efforts to approach the respondent-authorities as neither any representation has been moved nor any document has been placed on record with this writ petition.

The case was adjourned on 21.05.2015 on request of learned counsel for the petitioner to address arguments to show that how the petitioner can challenge whole of the selection only on the ground that he was not allowed to appear before the Interview Committee as the selection was finalized in the year 2013. A query was also put to learned counsel for the petitioner to show as to how without challenging the action of the respondents in not allowing the petitioner to appear in the interview, the whole of the selection can be quashed.

Although learned counsel for the petitioner has relied upon judgment of Hon'ble the Supreme Court in **Radhey Shyam Singh vs. Union of India, 1997(1) SCT 627** as well as judgment of the Delhi High Court in **S.K. Sachdeva & Ors. vs. Union of India & Ors., 2011 (9) AD (Delhi) 323** but keeping in view the facts and circumstances of the case, the same are not applicable in the present case.

Accordingly, there is no merit in the contentions raised by learned counsel for the petitioner and the writ petition being devoid of any merit is, hereby, dismissed.

23.07.2015
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(DAYA CHAUDHARY)
JUDGE