

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: July 30, 2015

1. CWP No.17918 of 2012

Vandna Kaul

...Petitioner

Versus

State of Haryana & another

...Respondents

2. CWP No.7909 of 2013

Charu Aggarwal

...Petitioner

Versus

Haryana Public Service Commission, Panchkula & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers 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.Sanjeev Gupta, Advocate,
for the petitioner in CWP No.17918 of 2012.

Mr.Suneel Ranga, Advocate,
for Mr.G.S.Hooda, Advocate,
for the petitioner in CWP No.7909 of 2013.

Dr.Sushil Gautam, DAG, Haryana,
for the State.

Mr.H.N.Mehtani, Advocate,
for respondent No.2 in CWP No.17918 of 2012.

Mr.Kawal Goyal, Advocate,
for respondent No.1 in CWP No.7909 of 2013.

AMIT RAWAL, J. (Oral)

By this common order, I intend to dispose of two Civil Writ
Petition Nos.17918 of 2012 and 7909 of 2013 as the common question of

law and facts are involved in both the cases. The facts are being taken from CWP No.17918 of 2012.

The challenge in the writ petition is to the advertisement dated 18.6.2009 (Annexure P-1) issued for recruitment of 1317 temporary posts of Lecturers (School Cadre), HES-II (Group-B) in various subjects in Haryana Education Department.

It has been submitted that there were 320 posts in the English subject, out of which 199 posts were for general category, 133 posts were kept for Male and 66 for females. The last date for receiving the applications was upto 17.7.2009, which was later on extended upto 19.8.2009. The criteria of selection was for short-listing the candidates and in this regard, screening test was held. It has further been submitted that the candidates, who were not interviewed in the screening test have been selected. The petitioner was eligible in all respects being M.A.(English) 1st Division having passed PGDCA, M.Phil in English and was pursuing Ph.D. from English Department in Kurukshetra University, Kurukshetra and had appended her all testimonials. The following qualifications were prescribed for the post of Lecturer in English in the advertisement:-

- (i) Post Graduate degree in relevant subject from recognized University along with at least 50% marks;*
- (ii) Certificate having qualified School's Eligibility Test (STET); and*
- (iii) Matric with Hindi/Sanskrit."*

It has been stated that the petitioner qualified her screening test and called for interview, but did not come within the zone of selection and, therefore, has not been selected. It has further been submitted that the

candidates, who were not otherwise eligible, were selected as per the information of the petitioner and entire hotch-potch has been done. The selection was apparently perverse, much less, it was a farcical exercise. The candidates, who did not even pass the School's Eligibility Test, have been selected.

Mr.H.N.Mehtani, learned counsel appearing on behalf of the Haryana Staff Selection Commission submits that the contention raised by the petitioner is highly misplaced for the reason that the screening test of the candidates was done and the candidates, who had been found fit in the screening test, were considered for interview. He further submits that it is those candidates who had passed the School's Eligibility Test had been considered in the screening list and as well as interviewed within the schedule fixed. It has been further submitted that the candidates having roll numbers 04015 and 04041 had passed the screening test and, therefore, have been considered and it is not the case that they had not passed the screening test.

I have heard the learned counsel for the parties and appraised the paper book.

It is a matter of law that once the candidates had participated in the selection, they cannot challenge the same on the ground that the selection committee did not give the marks as per the criteria. The Court cannot sit over the decision of the selection committee in appeal. The Court also cannot try to reassess the relative merits of the concerned candidates, who had been assessed at oral interview nor can the petitioner be permitted to successfully urge before this Court that she was given less marks, though

her performance was better. It is only for the Interview Committee to judge the relative merits of the candidates, who were orally interviewed. The assessment of marks made by the expert committee cannot be brought under challenge only on the ground that the same was not proper and justified as that would be the function of the appellate body.

On going through the contents of the written statement and as well as taking into consideration the submissions of Mr.Mehtani, it has been found that all the candidates, who had cleared the screening test, were called for interview and not otherwise. Even the candidate having allotted roll numbers 04015 and 04041 had also cleared the screening test and none of the candidates, who had not cleared the STET, had been taken into consideration for the purpose of selection. No fault can be found with the selection as the same had been done as way back in the year 2012.

Accordingly, the writ petitions are dismissed.

July 30, 2015
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(AMIT RAWAL)
JUDGE