

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 18723 of 2013

DATE OF DECISION: 13.05.2015

Manish Kumar and others

.....Petitioners

Versus

Haryana Staff Selection Commission, Panchkula
and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Present:- Mr. Vivek Suri, Advocate
for the petitioners.

Mr. Harish Rathee, Sr. D.A.G., Haryana.

Mr. R.K. Malik, Senior Advocate with
Ms. Rimple Soni Kadyan, Advocate
for respondents No.4 to 8 and 10 to 25.

DAYA CHAUDHARY, J.

The prayer in the present petition is for issuance of a writ in the nature of certiorari for quashing the result dated 9.7.2013 for the post of Field Assistant, Economic and Statistical Analysis in the Department of Economic and Statistical Analysis, Haryana as well as appointment letter dated 30.7.2013. A further prayer has also been made for issuing directions to the respondents to produce the entire record of the selection and to appoint the petitioners on the said posts.

Briefly, the facts of the case are that vide advertisement No. 3/2010, applications were invited for filling up various posts in different departments of State of Haryana including 33 posts of Field Assistant. The petitioners being eligible applied for the aforesaid posts. They were interviewed and were short listed. The basic requirement was that the candidate should have one year experience in collection of Statistical Data in some Government office. The candidature of some of the candidates who have applied for the aforesaid post was rejected.

Learned counsel for the petitioners has challenged the selection of private respondents on the ground that they were not having requisite experience but still they have been selected. Learned counsel further contends that pick and choose policy has been adopted and selection is not based on the academic qualification and experience required for the aforesaid post. The selection process was not fair as less meritorious candidates have been selected, whereas, the petitioners being more meritorious and having requisite experience for the post of Field Assistant have not been selected.

Learned counsel for the respondent-State submits that the names of private respondents were recommended by Haryana Staff Selection Commission. Learned counsel further submits that the private respondents were appointed as they were fulfilling the requisite educational qualification and experience prescribed for the post of Field Assistant after verification of the documents.

Mr. R.K. Malik, learned senior counsel for the private respondents submits that the selection was made on the basis of criteria and marks were given for academic qualification as well as experience. The requisite experience of the private respondents was verified before issuing appointment letters to them and they were selected after

considering their academic qualification as well as performance in the interview. The criteria adopted by the Selection Committee cannot be faulty in view of judgment rendered by this Court in C.W.P. No. 10141 of 2008. Learned senior counsel further submits that the petitioners have participated in the selection and remained unsuccessful and as such they have no locus standi to challenge the selection as has been held by Hon'ble the Apex Court in **Amlan Jyoti Borooah Vs. State of Assam & others** 2009 (3) SCC 227, wherein, it has been held that a candidate, who has been subjected to same selection process cannot be permitted to challenge the same subsequently.

Heard the arguments advanced by learned counsel for the parties and have also gone through the documents available on the file.

Admittedly, total 33 posts of Field Assistants were advertised and the essential qualification along with experience for said post is reproduced as under:-

- “i) Graduate with Economics or Mathematics or Agricultural Economics or Commerce or Statistics as one of the subjects.
- ii) Hindi/Sanskrit upto Matric standard.

Experience: One year experience in collection of statistical data in some Government office.”

The selection of private respondents has been challenged only on the ground that they do not possess the requisite experience and without verifying their documents from the concerned Department, they have been selected. The argument of learned counsel for the petitioners is also that one year experience in collection of statistical data in some Government Office is required, whereas, the private respondents were selected without verification of their experience certificates. The

experience certificate which they were possessing could not be considered to be of collection of statistical data as all the departments where the private respondents were stated to be working are not having the job of collecting statistical data. Simply by stating that the petitioners are more qualified and meritorious viz-a-viz selected candidates is not sufficient. How many marks are to be awarded to the candidates in the interview is to be seen by the Interview Committee on the basis of performance of each of the candidate. The effort of the Selection Committee is to search out the best talented candidate after assessing the academic qualification and their performance in the interview. The criteria adopted by the Selection Committee cannot said to be illegal only on an averment that the petitioners are more meritorious than the selected candidates. Out of total 75 marks, 50 marks were for academics and 25 marks were for viva voce. It has been settled in various judgments of this Court as well as of Hon'ble the Apex Court that it is for the Selection Committee to scrutinize the comparative merit of candidates and to see whether the candidates are fit for a particular post or not and the same is to be decided by the duly constituted Selection Committee consisting of experts on the subject. The decision of the Selection Committee can be interfered only in case there is some illegality or patent material irregularity in constitution of the Committee or its procedure vitiating the selection or the selection is proved to be mala fide affecting the selection of the candidates. In the present case, the respondent-Department has constituted the Committee consisting of experts and respective merit and experience of all the candidates including the petitioners has been considered. The experience of the selected candidates cannot be said to be contrary to the experience specified in the advertisement. The selection has been challenged only on the ground that experience of the selected candidates is not as per

requirement of the advertisement.

In view of the facts as mentioned above, there is no merit in the contentions raised by learned counsel for the petitioners and the petition being devoid of any merit is hereby dismissed.

May 13, 2015
pooja

(DAYA CHAUDHARY)
JUDGE