

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.15948 of 2015

Date of Decision: August 05, 2015

Harsimranjit Kaur

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Gaurav Mohunta, Advocate, for the petitioner.

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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?

Surya Kant, J. (Oral)

The order dated 31.07.2015 (P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, dismissing the petitioner's Original Application, is under challenge in this writ petition. The grievance of the petitioner was against the prescription of selection criteria laid down after the publication of advertisement, whereby 3rd respondent with the approval of respondent No.2, decided to award maximum 4 marks for the experience over and above the minimum prescribed as an essential qualification, 4 additional marks for higher education, 4 marks for working experience and 2 marks for computer knowledge in addition to 10 marks for interview.

The petitioner's case before the Tribunal was that the impugned selection criteria was laid down after the commencement of selection process which amounted to changing the Rules of the game after the game had started.

The Tribunal has turned down the above-stated plea, taking notice of the fact that the selection criteria was duly approved by the Competent Authority and has been prescribed with the object to select the best candidates from amongst those who were short-listed on the basis of performance in the written examination.

We have heard learned counsel for the petitioner and gone through the record.

The petitioner is admittedly a graduate in Physiotherapy, whereas the Selection Committee has prescribed 4 additional marks for higher qualification, namely, Post-graduation. As per the Statutory Rules, a candidate is required to possess the qualification of degree in Physiotherapy with five years' experience in the field. The Selection Committee has prescribed 4 additional marks for the experience over and above the minimum experience of five years. Likewise, 2 marks have been earmarked for computer knowledge.

In our considered view, the prescription of marks for higher education or better experience or the knowledge in computer is an endeavour to select the most merited candidate. The Selection Committee has got the criteria approved from the Appointing Authority before the commencement of interview. Such a criteria would indeed minimize the human intervention in adjudging suitability and will make the selection process more objective.

It does not amount to changing the rules of game for the reason that the eligibility of the candidates has not been affected. They are still in the zone of consideration and all the short-listed candidates including the petitioner would

be adjudged on uniform applicability of the subject criteria. The advantage sought to be given to a candidate with better qualification, experience or skilled knowledge in Computer is to promote the merit in a totally non-discriminatory manner. It violates no right of a candidate who lacks such higher qualification or experience.

No case to interfere with the order passed by the Tribunal is made out.

Dismissed.

[SURYA KANT]
JUDGE

August 05, 2015
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[P.B.BAJANTHRI]
JUDGE