

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

**C.M. No.3298 of 2015 in/and
C.W.P. No.23394-2013
Date of Decision : 30.07.2015**

Ramdhari

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Saurabh Bajaj, Advocate
for the applicant-petitioner.

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?

AJAY TEWARI, J. (Oral)

C.M. No.3298 of 2015

For the reasons recorded, the application is allowed. The documents Annexures P-3 and P-4 are taken on record.

C.W.P. No.23394 of 2013

The petitioner has challenged the selection of respondents No.4 and 5 to the post of Sweeper.

On 24.10.2013 the following order was passed:-

“Counsel for the petitioner seeks time to provide better particulars to substantiate the allegations in the petition.

Adjourned to November 8, 2013.”

Thereafter the petitioner has placed on record the criteria devised by the Selection Committee for the appointment as well as the marks awarded to each candidate. A perusal thereof reveal that there were four members in the Selection Committee i.e. the Principal; one nominee of the Governing Body; one nominee of the Director Higher Education and one nominee of the University. The petitioner was granted 10 marks for experience and for the interview the marks given by all the four members of the Selection Committee were averaged out. The petitioner did not secure well and got only 3.25 marks.

Learned counsel for the petitioner has argued that these low marks were designedly awarded to the petitioner just to thwart his selection because he otherwise had highest marks in experience.

I am afraid there is no basis to come to any conclusion about this factual issue. It may be that the petitioner was knowingly granted lesser marks or it may not be. What mitigates against the argument is that the Selection Committee had two members who were totally independent from the respondent No.3-College. In the circumstances, I regret my inability to concur with the argument of the learned counsel for the petitioner that the petitioner was given artificially low marks in the interview.

Learned counsel for the petitioner has also raised a subsidiary prayer that keeping in view the experience of the petitioner he is entitled for regularization. As regards this prayer, he states that he will not press the same at this stage but he may be granted permission to withdraw this

petition with liberty to move an appropriate representation in this regard to the respondents.

Allowed as prayed for.

Petition is dismissed as withdrawn at this stage with the aforesaid liberty.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

July 30, 2015

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**(AJAY TEWARI)
JUDGE**