

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

**C.W.P. No.4427 of 2012 (O&M)
Date of Decision : 11.05.2015**

Meena Devi

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.S. Malik, Advocate
for the petitioner.

Ms. Shruti Goyal, A.A.G., Haryana.

Mr. Kanwal Goyal, Advocate
for Mr. Aman Dhir, Advocate
for respondent No.3.

Ms. Divya Godara, Advocate
for respondents No.4 and 5.

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)

By this petition the petitioner has challenged the selection of respondents No.4 & 5 as Lecturers/Assistant Professors (College Cadre) for the subject of Economics.

Pursuant to the advertisement large number of candidates appeared. In terms of the advertisement a screening test was held and it was

decided that 3 times the number of candidates required would be called for the interview. As per that formula 69 candidates had to be called but there were some candidates who had obtained 62 marks in the screening test and after calling all those candidates the total number of 70 candidates were called. When the result of the screening test was declared a note was appended to the effect that 3 times the number of candidates required have been called for the interview but in case on scrutiny of documents any one of them was found to be ineligible then the candidates even below the cut off of 62 marks would be called so as to make up the total number of 3 times of the posts filled. It is not disputed that 7 candidates were found to be ineligible ultimately. However, at the stage of 61 marks there were about 13 candidates and consequently 11 candidates (including the respondents No.4 and 5) were called for the interview. In the interview, there were marks for academic qualifications and for performance in the interview. The marks obtained in the screening test were not to be considered. It is against this backdrop of facts that the petitioner has filed this petition challenging the action of the respondents in calling upon the candidates who had not obtained 62 marks for the interview.

In my opinion, no fault can be found with the respondents for taking this action. The only ground taken is that this did not form part of the advertisement. No doubt the advertisement is supposed to give all the essentials and requirements of the posts but it cannot be taken to be a document which can foresee all contingencies. There is no allegation of malafide against any person. The issue before this Court is whether the

action of the respondents is arbitrary or motivated. Once the choice was between having a truncated field of selection or uniformly going down on the merit list so as to have a larger area of selection and there is no allegation that it was done for extraneous consideration, no relief can be granted to the petitioner. No other argument has been raised by the learned counsel for the petitioner.

Petition is dismissed.

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

May 11, 2015

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**(AJAY TEWARI)
JUDGE**