

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

**CWP No.21894 of 2015 (O&M)
Date of Decision: 20.10.2015**

Baljit Singh

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jaideep Verma, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The petitioner was 43 years of age at the time of competing for direct recruitment as Driver in the office of Chief Town Planner, Punjab. Out of the 32 posts advertised, one post fell to the share of Backward Class. The petitioner competed in the Backward Class category. He was shortlisted among the first 13 candidates in the Backward Class category after undergoing the driving test. He has not been selected in the final select list displayed. He complains in this petition that the selection process lacks bona fides; he has become overage for appointment in future; he has been wronged and has not got a fair deal. He says that he is better qualified than others and has to his credit 17 years experience of driving Light Motor Vehicles and cabs/taxis and this rich experience set him apart. He has produced an experience certificate from the Ex-Serviceman Swaraj Mazda Tempo Union Ropar (Kuruli Road, Ropar) where he claims to have worked from 1995 to 2013.

It is well settled that a candidate has only right to

consideration for appointment but does not have an indefeasible right to appointment. No doubt he has been considered but has not been successful in the selection process. The petitioner has not challenged the selection process as vitiated by nepotism, illegality, fraud etc. or other vitiating factors and has based his claim on inter se merit amongst Backward Class candidates. The selection was made by the Subordinate Service Selection Board, Punjab initiated by public advertisement issued in the press media on April 12, 2013. The age prescribed for the post was 18 to 38 years. There was no condition in the advertisement granting relaxation to members of the reserved category in the original public advertisement published in the newspaper Daily Ajit. However, there was a condition in the advertisement that the terms and conditions would be governed as available on the official website i.e. www.punjabsssb.gov.in. The official website discloses that there was a reservation for Backward Class candidates whereas the upper age limit was 43 years and the petitioner just about fell in the age group. In the absence of any mala fides alleged against recruiting agency and given that some latitude has to be given to the selecting authorities in exercise of their subjective discretion in selection from a large number of applicants then the writ Court would interfere only when the margin of error is wide of the mark or the selection is vitiated by fraud, sifarish etc. and gives rise to a strong suspicion of corrupt practices adopted failing proof of which it is not possible on the material presented in this petition to interfere in the selection process qua the petitioner within the Backward Class category. There is no material upon which this Court

can form a judicial opinion as to who was better than whom and by how much, which in any case is not the function of the writ Court to make a fishing inquiry.

For these reasons, the writ petition is found devoid of any merit and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

20.10.2015
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