

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 24568 of 2015

Date of Decision : November 26, 2015

Munni Petitioner

vs.

Director, General Health Services,
Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Rajesh Hooda, Advocate
for the petitioner.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks setting aside of the selection of respondent no. 3 on the post of Staff Nurse (Female). She further seeks the issuance of a direction to the official respondents to appoint her on the post to be vacated on the setting aside of selection of respondent no. 3 as, according to her, she is more meritorious.

The essential facts, as borne out from the record of the case and after hearing counsel for the petitioner, are that in response to an advertisement issued by the official respondents, both – the petitioner and respondent no. 3 submitted their applications for consideration of their

candidature for appointment as Staff Nurse (Female) on contract basis. On culmination of the selection process, respondent no. 3 was appointed and the reason for the same, as borne out from the report of Inquiry, undertaken on the complaint of the petitioner, is that she had secured higher marks in the selection process.

The only ground pressed before me by learned counsel for the petitioner, to challenge the selection and appointment of respondent no. 3, is that the petitioner was a 'Resident Married Candidate' of the area, for which the appointment was being made and by referring to the relevant clause of the advertisement, wherein it was provided that preference would be given to 'Resident Married Candidates', it was submitted that in spite of the fact that respondent no. 3 had higher marks in the selection process, the petitioner should have been preferred over and above respondent no. 3.

The argument raised by counsel for the petitioner is misconceived. As per settled position of law, preference was required to be given to the petitioner in case both – the petitioner and respondent no. 3 had secured equal marks. That not being so, no benefit of the aforesaid preference clause in the advertisement can be given to the petitioner. Thus, respondent no. 3, having secured higher marks in the selection process, has rightly been appointed to the post in question.

In view of the above, the present petition, being bereft of any merit, is ordered to be dismissed in limine.

(DEEPAK SIBAL)
JUDGE

November 26, 2015

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