

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.24724 of 2015
Date of decision:8.12.2015

Gagandeep Singh

... Petitioner

Versus

The State of Punjab

... Respondent

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

Present: Mr. RD Bawa, 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)

1. Direct appointment as Senior Assistant in the office of Financial Commissioner is governed by rules which prescribe a written test on the basis of which merit is drawn. The written test consists of Paper-I and Paper-II of a duration of 2 hours and 45 minutes respectively. The procedure of selection contained in the public notice advertising the post of Senior Assistant under Advertisement No.GAD/1/2015 reveals the following position:-

“PROCEDURE OF SELECTION:

All the candidates will have to appear in the following two written papers.

Paper-I (2 hrs.)

Sr. No.	Subjects	Questions	Total marks
1	General Awareness	10- Punjab History & Culture 10- Constitution of India 10- General Knowledge 10- Current Affairs (National & International)	40
2	Mental Ability/Reasoning & Arithmetic (Matric)	20	20

Sr. No.	Subjects	Questions	Total marks
3	Computer Basics	20	20
4	Language Proficiency (Vocabulary & Grammar)	20 Punjabi 20 English	40
5	Total	120	120

Paper-I

(45 minutes)

Sr. No.	Subjects	Questions
1	Précis Writing(English)	10 Marks
2	Précis Writing(Punjabi)	10 Marks
3	Translation English to Punjabi	10 Marks
4	Translation Punjabi to English	10 Marks
5	Total	40 Marks

On the basis of merit of Paper-I, candidates equal to TEN times the number of posts advertised in each category, in order of merit will be shortlisted and only then their Paper-II will be evaluated. On the basis of combined merit list of Paper-I and Paper-II, in each category the short listed candidates will be called for **Computer Test**. The **computer test** will be qualifying in nature. Those candidates who fail to qualify in computer test shall not be considered for selection irrespective of their merit based in Paper-I and Paper-II.

The qualifying conditions for **computer test** are:-

1.

Punjabi and English Typing at a speed of 30 wpm (minimum)
2.

To test the capability of candidate to use MS-Excel sheet.

Final merit will be prepared on the basis of performance of candidate in Paper-I and Paper-II from amongst those candidates, who qualify in Computer test.

- 1) The medium of written test of Paper-I will be English.
- ii) For every wrong answer, 1/4th marks will be deducted in Paper-I.
- iii) The question paper of Paper-I with the answer key will be placed on the website on next date of examination for inviting objections to answers, if any.
- iv) The objection to any answer can be filed by the candidates on the website itself on clicking the option of objections. It can be filed within three(3) days from the date of exam.
- v) The merit list, category wise and combined merit list would be put on the website.
- vi) Candidates qualifying the selection on the basis of written and computer qualifying test will be called by Help Desk in GAD for verification of original documents within 15 days of the declaration of result.
- vii) List of selected candidates will be put on the department's website.”

2. The petitioner has qualified the written test and his name has been placed at Sr. No.723 in the General Category vide list of candidates in downloaded copy at Annexure P-4. The Punjabi Typing test was held after the written test. However, he has been unable to clear the qualifying test in Punjabi Typing though he has cleared the English Typing Test at a speed of 30w.p.m. (minimum) on the computer.

3. Mr. R.D.Bawa appearing for the petitioner submits that the the Punjabi type test should have been held in the first instance by way of shortlisting candidates to be called for the written test, since the type test in the languages was only to qualify for the written test and the result thereof was not to be added or counted in the final result.

4. This is a matter of procedure and has no bearing on the selection process as to which of the two ought to be the first step and would make no difference either way as a qualifier remains the qualifier. If the petitioner has failed to clear the Punjabi Typing test at the speed and accuracy prescribed or desired, then it may not be possible to accept the request of Mr. Bawa that the petitioner may be given opportunity to improve his skill in Punjabi Typing by postponing the test after offering appointment to the petitioner as per his merit and accordingly a mandamus is prayed for commanding the State to consider appointment even though he has not qualified the test. I am afraid, this is a policy matter in general administration and the Government remains the best judge of its needs in the office of Financial Commissioner, Punjab where the posts of Senior Assistant are to be filled by direct recruitment. Howsoever high the merit may be but indefeasible right accrues to the petitioner for appointment and if the hurdle of the qualifying test is not crossed, interference in writ jurisdiction may not be called for at all, nor is. No ground to interfere is made out in the petitioner's search for a mandamus to the State to grant him relaxation in the rules in qualifying the Punjabi Typing test at a future date after compelling the State to offer him a letter of appointment.

5. The petition has no substance and is, accordingly, dismissed.

(RAJIV NARAIN RAINA)
JUDGE

8.12.2015
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