

CWP No. 4373 of 2015

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

C.W.P. No.4373 of 2015

Date of Decision : 30.07.2015

Mahender and Anr.

..... Petitioners

Versus

Chaudhary Devi Lal University and Ors.

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. P.S. Jammu,, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

At the very outset, learned counsel for the petitioners states that the name of respondent No.6 has been wrongly mentioned as Ram Sahab instead of Ram Sabad. At his oral request, he is allowed to make necessary correction in the memo of parties.

By this petition the petitioners have challenged the selection of peons in the respondent-Chaudhary Devi Lal University, Sirsa. The primary argument of learned counsel for the petitioners is that the petitioners were given artificially low marks in the interview and the selected candidates were given high marks in the interview. Learned counsel has taken me through the details of the marks.

As regards the petitioner No.1, he is aggrieved of the selection of respondent No.6. He has challenged the selection of respondent No.6 on the ground

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that respondent No.6 had 16 marks less than him in the written test, but overtook him because the petitioner was given zero marks in the interview, while the respondent No.6 was given 19 marks out of 20.

As regards petitioner No.2, he was from the general category and obtained 68 marks in the written test and 3 marks in the interview. The petitioner No.2 has challenged the selection of respondent Nos.3, 4,5 and 8. All of them have obtained higher marks than the petitioner No.2 in the written test also. In the circumstances, the petition is dismissed qua petitioner No.2.

As regards the petitioner No.1 also, the argument that merely on the basis of difference in the marks obtained in the interview a selection can be held to be invalid, cannot be accepted. It is seen that many other candidates who were otherwise not in the fray were also given extremely low marks in the interview and likewise some candidates who were also never in the fray have been given very high marks in the interview. Even otherwise, it cannot be said as a principal of law that no person can get high marks in an interview or that no person can get low marks in an interview. Of course, if this allegation is corroborated by any other circumstance; for instance, where proximity to the members of the selection committee can be shown or a plausible case can be made about extraneous considerations, it may provide an arguable cause of action, but it would not be prudent for a Court to proceed only on the allegation that because there is so much discrepancy in the interview marks, there must be malfeasance.

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In the circumstances, I regret my inability to proceed further even in
the case of the petitioner No. 1

Petition stands dismissed qua petitioner No.1 as well.

(AJAY TEWARI)
JUDGE

July 30, 2015

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