

LPA No. 1820 of 2013 (O&M)

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

LPA No. 1820 of 2013 (O&M)

Date of Decision: January 23, 2015

Sukhdeep Singh

...Appellant

Versus

Vivek Sood & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE S. J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI**

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Vijay Dahiya, Advocate
for the appellant.

Respondent No.1 *ex parte*.

Mr. Kanwaljit Singh, Senior Advocate with
Ms. Gurdeep Kaur, Advocate
for respondents No.2 to 4.

S. J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

CM No.250-LPA of 2015

Affidavits of respondents No.2, 3 and 4 alongwith Annexures A-
1 and A-2 are taken on record.

Application stands disposed of.

LPA No. 1820 of 2013

Admitted

2. Heard finally.

3. This is an appeal against the order and judgment of the learned

LPA No. 1820 of 2013 (O&M)

Single Judge allowing the writ petition filed by respondent No.1 challenging the appellant's selection as an Assistant System Analyst. Respondent No.2- Punjabi University invited the applications for the posts of Assistant System Analysts at the Computer Centre and at the Examination Centre. It is of crucial importance to note that the process for the appointment of Assistant System Analyst to the Computer Centre and to the Examination Centre was different. Separate interviews were also held for the same. Only the nomenclature of the post is the same. The process was different and the interviews were different for the posts in respect of the Computer Centre on the one hand and the Examination Centre on the other. It is the failure to note this difference that has led to the error in the impugned order.

4. The appellant had applied for the said post only in the Computer Centre. Respondent No.1 had applied for the said post in the Computer Centre as well as Examination Centre. For the post at the Computer Centre which we are concerned with the appellant had obtained 50 marks and respondent No.1 obtained 36 marks. Respondent No.1 had obtained 45 marks in respect to the post at the Examination Centre.

5. We will presume that the challenge to the award of 10 marks to the appellant is well founded. That would bring his marking down to 40 marks. That would still put the appellant above respondent No.1 who obtained only 36 marks. It is not necessary, therefore, to consider whether the deletion of 10 marks is justified or not. The confusion has arisen on account of having considered the 45 marks obtained by respondent No.1 for the said post for the Examination Centre. As we mentioned earlier, the entire process

LPA No. 1820 of 2013 (O&M)

for the appointment of the said post in respect of the two Centres were different. The marks obtained by respondent No.1 in respect of the Examination Centre cannot be considered while assessing the relative merits of the parties in respect of the applications for the Computer Centre.

6. The Punjabi University did not contradict this position. They, in fact, support the appellant. Respondent No.1 was absent though served.

7. In the circumstances, the appeal is allowed. The impugned order and judgment is set aside. Respondents No. 2, 3 and 4 shall proceed accordingly.

**(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE**

**(AUGUSTINE GEORGE MASIH)
JUDGE**

January 23, 2015
Harish