

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

**CM-426-LPA-2015 in/and
LPA No.1466 of 2013 (O&M)
Date of Decision: 26.03.2015**

Khushwant Kaur

... Appellant

VS.

State of Punjab & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI**

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. BBS Randhawa, Advocate for appellants

Mr. Aman Bahri, Addl. AG Punjab

Mr. Munish Bhardwaj, Advocate
for respondent No.4

SURYA KANT, J. (Oral)

(1) Challenge here is laid to the order dated 26.07.2013 whereby learned Single Judge allowed the writ petition filed by 4th respondent and has set aside the selection and appointment of the appellant on the post of Assistant Librarian, with a further direction to offer appointment to the 4th respondent.

(2) The selection of the appellant was set aside on the premise that since Bachelor's degree of Library and Information Science possessed by her was treated equivalent to Diploma in Library Science, namely, the essential qualification required to be possessed, in that event, no additional 10-marks could be awarded for the same higher qualification. Similarly, it is stated that 5 marks of experience was also wrongly awarded.

(3) When this appeal came up for preliminary hearing on 29.10.2013, this Court, declined to interfere with the order passed by learned Single Judge though notice was issued to the official respondents only to explore the possibility of adjusting the appellant as well against some available vacancy. A further direction was issued to appoint, meanwhile, respondent No.4, namely, the writ-petitioner.

(4) It is not in dispute that respondent No.4 has since been appointed. Thus, the only post which was advertised now stands occupied by the writ-petitioner.

(5) Meanwhile, we are informed that the State of Punjab filed a review application but that was also dismissed. The State of Punjab has not preferred any appeal.

(6) As regards adjustment of the appellant against any other vacancy, learned State counsel informs that two more candidates who are higher in merit than the appellant will also have to be adjusted, if the appellant were to be offered appointment.

(7) We have heard learned counsel for the parties at some length and gone through the record. In our considered view, no exception can be taken to the view formed by learned Single Judge who has rightly held that the appellant was not entitled to 10 additional marks for the alleged higher qualification. Once those marks are deducted, the 4th respondent indisputably became

higher in merit than the appellant. So far as the appellant's claim for adjustment against a subsequent vacancy is concerned, no direction for her appointment ignoring the claim of the candidates higher in merit can be issued. However, if the State authorities are willing to do so, they may consider the claim of the candidates higher in merit as well.

(8) Ordered accordingly. ***Dasti.***

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This application moved by respondent No.4 – writ-petitioner is permitted to be withdrawn with liberty to her to seek redressal of the left-out grievances, if any, before an appropriate forum.

CM stands disposed of.

(Surya Kant)
Judge

26.03.2015
vishal shonkar

(P.B. Bajanthri)
Judge