

**In the High Court for the States of Punjab and Haryana, at
Chandigarh**

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LPA No.1108 of 2015 (O&M)
Date of Decision: August 25, 2015

Miss Munesh

....Appellant

Versus

State of Haryana and others

....Respondents

LPA No.1117 of 2015 (O&M)
Date of Decision: August 25, 2015

Sudesh Kumari

....Appellant

Versus

State of Haryana and others

....Respondents

Coram: **Hon'ble Mr. Justice Satish Kumar Mittal**
Hon'ble Mr. Justice Mahavir S. Chauhan

Present: Mr. S.K. Yadav, Advocate,
for the appellant(s).

1. Whether to be referred to Reporter? Yes/No
2. Whether the judgment should be reported in the
digest ? Yes/No

Mahavir S. Chauhan, J.

CM Nos.2330-2331-LPA of 2015

These are the applications for condonation of delay of
82 days in filing the appeal and 327 days in refiling the appeal

respectively.

Delay condoned.

Applications stand disposed of.

LPA No.1108 of 2015

This order being passed in LPA No.1108 of 2015 shall dispose of, in addition to this appeal, LPA No.1117 of 2015 also, as both these intra Court appeals under Clause X of the Letters Patent have arisen from a common order dated 08.01.2014 whereby the learned Single Judge has dismissed a bunch of Civil Writ Petitions, including the petitions brought by the appellant(s).

In the Civil Writ Petitions, prayer was made by the appellant(s) that result of selection for the post of Physical Training Instructors declared in October 2000 and appointments, if any made on the basis thereof, be quashed.

After hearing learned counsel for the parties and on appraisal of the pleadings learned Single Judge dismissed the Civil Writ Petitions of the appellant(s) by observing as under:-

6. To take the last point stated above for immediate consideration, I must observe that all the writ petitions were filed immediately after the selection had been announced in the year 2000. Apart from the specific objections which I have referred to above, the general arguments of the political interference and nepotism do not find place in the writ petitions. If there was even the slightest hint about it, the petitioners themselves ought to have moved the court for appropriate direction and secured details

of any level of interference that had vitiated the selection process. The result that has obtained through CBI enquiry for JBT teachers cannot simply be assumed as having visited the selection process for PTI teachers as well. I would, therefore, reject the plea that the entire selection process was vitiated by political interference.

7. The discrepancy in the roll numbers as several candidates being assigned the same roll numbers cannot also be a matter for complaint at the instance of the petitioners. There is no one among the petitioners who would claim that he had also been assigned the same roll number as a selected candidate and, therefore, there was some confusion. The respondents have admitted to discrepancy at some level when the same roll numbers had been assigned to more than one candidate but it is only stated by them that the mistake was sorted out and the ultimate selection was made identifying the particular candidates who had been selected. If amongst the selected candidates, there is no confusion and the petitioners cannot elicit any particular detail of anyone selected candidate, who was not qualified or who had not obtained the minimum benchmark for selection, I cannot take the discrepancy in the roll numbers as giving any specific reasons for the petitioners to challenge the selection. I would, therefore, reject this contention as well. The contention by the petitioners that the interview was an eyewash and more than 300 candidates were interviewed in less than 1 ½ hours was an argument that was placed in court with no particular details in the writ petitions. The marks assigned in the interview had been limited only to

20% and, therefore, I cannot see this as making possible a big dent in the ultimate result. In situations where prodigious unemployment status exists with large number of candidates vying in stiff competition for limited number of posts, it is inevitable that the time slot for each candidate is limited. It is only for this reason that it is seen desirable that the element of subjectivity is minimized if not fully eliminated, by limiting the marks reserved for interview. Indeed the extent of interference by courts for assessment made at the interview itself is exceedingly limited and unless there is something very serious brought out at the interview, there is no scope for making any intervention. The element of bias in favour of some candidates of the Chairman of the Selection Committee has also been explained by the reply stating that he had recused himself at the relevant time. It may not seem like sufficient consolation for the non-selected candidates, but to the benefit of the selected candidates, it must be stated that it is not folly of the candidates that their own parent was the Chairman of the Selection Committee. Such like instances are bound to happen and the candidates have to cope with certain uneven field now and then.

To challenge the order of learned Single Judge, these appeals have been brought by the writ petitioners.

We have heard learned counsel for the appellant.

The only ground urged on behalf of the appellant is that in some other selections made simultaneously along with selection under challenge in the instant proceedings, lot many bunglings were discovered and the same were set aside. This, in our opinion

is not a ground to upset the selection in the instant case. Even otherwise the candidates so selected in the process under challenge have by now joined their duties and are working on their respective posts. They are not party in the instant cases and as such no adverse order qua them can be passed.

In view of the above, we do not find any reason to interfere with the well reasoned order passed by the learned Single Judge. The appeals, therefore, fail and are dismissed.

(SATISH KUMAR MITTAL)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

August 25, 2015
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