

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

LPA No. 526 of 2014 (O&M)

Date of decision: **July 14, 2015**

Dr.Satinder Pal Singh and another ...Appellants

Versus

Haryana Public Service Commission and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

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Present: - Mr.A.S.Tewatia, Advocate
for the appellants.

Mr.H.N.Mehtani, Advocate
for respondents No.1 and 2 – HPSC.

Mr.Sandeep Moudgil, Addl. AG, Haryana.

Mr.Athar Ahmed, Advocate for respondent No.4.

Mr.Rajiv Doon, Advocate for
respondents No.6, 12 and 13.

Mr.Jagbir Malik, Advocate for
respondent No.10.

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HARINDER SINGH SIDHU,J.

This intra Court appeal under Clause X of the Letters

Patent has been filed against the judgment dated 08.01.2014 passed

by the learned Single Judge whereby the writ petition (CWP No.21210 of 2011) filed by the appellants was dismissed. In the said writ petition, the appellants had sought quashing of the selection and appointments of respondents No.4 to 13 as English Lecturer (College Cadre).

The case as set up in the writ petition was that respondent No.1 had invited applications for appointment of 275 temporary posts of Lecturers (College Cadre) HES-II (Group -B) Service in various subjects in Haryana Education Department. In the subject of English, there were 65 posts in total, out of which 42 posts were meant for General Category, 13 for Scheduled Castes, 05 for Backward Classes and 03 for Ex-servicemen. The appellants applied for the post in the subject of English. A written examination was held on 12.09.2010. On the basis of the written examination a merit list of all the candidates numbering 562, who had appeared for selection to the English Subject, was prepared. A cut-off percentage of 61% was fixed for the General Category for being called for interview. The list of candidates who secured marks more than 61% and were called for interview has been annexed as Annexure P-2. The petitioners having secured more marks than 61% figured in this list and

appeared in the interview on 09.08.2011. It is alleged that subsequently another batch of candidates, whose roll numbers did not figure in the merit list (Annexure P-2) and who had secured marks less than 61% were called for interview on 26/27.09.2011. Thereafter, the result was declared on 01.11.2011, in which respondents No.4 to 13, who had secured less than 61 % marks in the written test and whose names had not figured in the earlier list Annexure P-2 have been selected. Their selection was challenged in the writ petition.

The selection was defended by the respondents in the affidavit dated 26.9.2012/27.9.2012 filed by the Secretary, Haryana Public Service Commission. It was mentioned therein that 45 posts of lecturers English in General Category were advertised. It was decided by the Public Service Commission that candidates 3 times the number of posts advertised be called for interview. Thus, 138 candidates were called for interview. The interviews were held on 8.8.2011, 9.8.2011 and 10.8.2011. In the list of 138 candidates, on scrutiny, 18 candidates were found to be ineligible. At the time of interview on 8.8.2011, 17 candidates were found to be ineligible. On 9.8.2011, 12 candidates were found to be ineligible and on

10.8.2011, 4 candidates were found to be ineligible. In place of these candidates thus found ineligible, 31 candidates next in merit were called for interview on 26.9.2011, on which date again 4 candidates were found to be ineligible as they did not possess the Ph.D degree till the date of interview which was necessary in terms of the advertisement. It was stated that the additional candidates next in merit list were called as per the note appended to the result itself as per which candidates next in merit equal to the number of candidates found ineligible were to be called for interview. An additional affidavit was also filed by the respondents to further clarify the position.

After going through the affidavits, the Ld. Single Judge found that they clarify the various stages at which because of the candidates being found ineligible, the candidates next in merit were called for interview. This was done in terms of the note attached to the result that on candidates being found ineligible, candidates next in merit would be called. Thus, the Ld. Single Judge found that there was no irregularity in calling for interview candidates with lower marks than 61% and who did not figure in the first list Annexure P-2.

With regard to the second argument of the Ld. Counsel for the appellants, that some candidates lower in merit have been

selected, the Ld. Single Judge held that merely because candidates with lower marks were ultimately selected on the basis of marks obtained by them in interview is no ground to hold that the selection is vitiated.

We agree with the findings of the Ld. Single Judge.

Ld. counsel for the appellants did not urge any additional ground other than those already dealt with and repelled by the Ld. Single Judge.

Thus, there is no merit in the appeal and the same is dismissed.

(SATISH KUMAR MITTAL) (HARINDER SINGH SIDHU)
JUDGE JUDGE

July 14, 2015

Atul