

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

**LPA No.733 of 2015 (O&M)
Date of Decision: 21.07.2015**

Asha Rani

... Appellant

vs.

State of Punjab & Ors.

... Respondents

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

- 1. Whether Reporters of local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present: Mr. Gaurav Chopra, Advocate for the appellant
Mr. Aman Bahri, Addl. AG Punjab

SURYA KANT, J. (Oral)

(1) This order shall dispose of LPA Nos.733, 791 & 808 of 2015 as the point in issue is common. For brevity, LPA No.733 of 2015 is taken up as the lead case.

(2) Notice of motion to respondents No.1 to 3 only. On our asking, Mr. Aman Bahri, learned Addl. AG Punjab accepts notice on their behalf. Since we are not inclined to interfere in the selection or consequential appointment of private respondents, it is not necessary to issue notice to them at this stage. Their service is thus dispensed with.

(3) The instant Letters Patent Appeal is directed against the order dated 09.07.2014 whereby learned Single Judge has dismissed a bunch of writ petitions laying challenge to the

selection of the private respondents for appointment on the posts of Clerk in the State of Punjab.

(4) The Subordinate Services Selection Board (in short, 'the Board') issued advertisement on 20.07.1997. The appellant as well as private respondents competed for the advertised posts and the selection process was finalized in the year 1999 followed by appointment of selected candidates in the year 2000-01.

(5) Some of the unsuccessful candidates including the appellant(s) challenged the selection and those writ petitions have been dismissed by learned Single Judge vide order under appeal primarily for the reason that the private respondents are working from the last 12-13 years and it would be iniquitous to upset their selection, even if there is any merit in the appellant's claim.

(6) Learned counsel for the appellant vehemently urges that nothing more was required to prove that the selection is vitiated except a reference to the report said to have been submitted by the Lokpal, Punjab wherein various irregularities/illegalities were noticed in the selection process.

(7) On the other hand, learned State counsel submits that the report of the Lokpal is not binding and unless it is so warranted by the peculiar facts and circumstances, it is not necessary for the State Government to act upon those recommendations.

(8) Having heard learned counsel for the appellant(s) and learned State counsel, we are satisfied that the subject selection does not call for any interference by this Court on the grounds like non-allocation of appropriate marks to the candidates in interview and/or grant of excessive marks to the selected candidates.

(9) Similarly, unless the selection criteria is found to be inherently unfair or capable of misused in a particular direction, it would not be expedient for this Court to sit as appellate forum on the selection process. Likewise there being no allegations of *mala fide* or a specific instance of favoritism etc., the reluctance shown by learned Single Judge in not interfering in the selection at this belated stage appears to be justified.

(10) As regard to the report of Lokpal or the recommendations made therein including *re*: appointment of the appellant, we leave it open to the State Government to look into this aspect and if the competent authority is of the view that owing to any specific findings therein, a follow-up action is called for, the competent authority shall be at liberty to initiate such action notwithstanding the dismissal of the writ petition or this appeal.

(11) Disposed of.

(Surya Kant)
Judge

21.07.2015
vishal shonkar

(P.B. Bajanthri)
Judge