

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.2484 of 2014

Date of Decision.31.10.2015

Savita wife of Khubi Ram

.....Appellant

Versus

Sarkala and others

.....Respondents

Present: Mr. R.A. Sheoran, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The appellant is the plaintiff who lost in her challenge to the selection to the post of Anganwari Worker. The plaintiff's contention was that she lost out by one mark being assigned less in the interview, for the last selected candidate had been assigned in the order of merit by a mark higher than the plaintiff's own. Although the minimum qualification was matric, she had completed her 10+2 and also graduation and she was more meritorious than the selected candidate.

2. If there are certain criteria laid down for selection and marks are assigned depending on such criteria, if only there has been an error in failing to make an appraisal for any one of the criteria and there had been, therefore, an error in reckoning the order of merit properly by assigning the marks that were due to the plaintiff, she could have a lawful complaint. Interview, it is at all times known, allows for certain subjective element of assessment and if in the ultimate bargain, the

plaintiff lost out of competition by marks assigned at the interview then it cannot be a matter of reappraisal by a Court. The only scope of enquiry could be whether there had been any objective criteria laid down which were appropriate in the manner of assessment of marks. The Court cannot substitute the work of experts at the interview and a mere better educational qualification for the plaintiff than the selected candidate cannot also be a passport for selection as such.

3. The scope of enquiry before the Civil Court was exceedingly limited and the Courts below found nothing wrong about the final selection made. I find that there is no error in the judgment of the Court below for reappraisal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

October 31, 2015
Pankaj*