

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

CWP No. 16403 of 1995

Date of decision: 1.8.2016

Mohd. Ibrahim

... Petitioner

Versus

State of Haryana & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Monika Thakur, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

Mr. HN Mehtani, Advocate,
for respondent No.3 .

Mr. JV Yadav, Advocate,
for respondents No.12 & 15.

RAJIV NARAIN RAINA, J.(Oral)

It requires no repetition that a candidate cannot adjudge his own performance in a selection for recruitment to a public post. All that he has a right to is of consideration in terms of rules which govern appointment. The petitioner applied for and competed for the post of Assistant Engineer (Civil) in PWD (Public Health) Department, Haryana but was unsuccessful in securing an appointment against an employment notice issued in April, 1993 inviting applications from eligible candidates. The selection was conducted by the Haryana Public Service Commission on a requisition sent by the State Government. The petitioner cleared the screening test but failed to make it through the main examination and the interview process. The Commission adjudged his

suitability and performance on merit in the interview but did not find him within the merit of the recommendations. There is no dispute that the petitioner was eligible but then one cannot forget there is a wide difference between eligibility and suitability, one brings person in the zone of competition, while the other in the merit of the selection and appointment. The petitioner is before the Court challenging the selection and claims that having higher/preferential qualifications than the selected candidates, the private respondents, he should have earned a superior and preferential consideration than the others who secured appointment. The stand of the State is that higher or preferential qualification is not determinative of suitability for the post. Having competed in the selection process he cannot turn around and assail the selection only because he could not make it to the merit list.

I find no illegality in the procedure adopted to make the selection or the criterion and do not find a case fit enough to interfere in writ jurisdiction, that too, after two decades.

Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

1.8.2016

monika

Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No