

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

**Date of Decision: 16.12.2016
CWP No.13431 of 2012 (O&M)**

1.

Jaswant Singh and others

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

2.

CWP No.16084 of 2012

Ritu and others

..... Petitioner(s)

Versus

State of Haryana and another

..... Respondent(s)

3.

CWP No.25568 of 2014

Parikshit

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Parveen K. Kataria, Advocate
for the applicant/petitioners (*in CWP No.13431 of 2012*).

Mr. Jasbir Mor, Advocate
for the petitioner (*in CWP No.25568 of 2014*).

Mr. Rajesh Gaur, Addl. AG, Haryana.

Mr. Ashish Gupta, Advocate
for respondents No.3, 5, 6, 7 and 10 to 12
(*in CWP No.13431 of 2012*).

Mr. Ajit Sihag, Advocate
for respondent No.4 (*in CWP No.13431 of 2012*).

Ms. Bhavna Grewal, Advocate for
Mr. Sandeep Kumar Yadav, Advocate
for respondent No.8 (*in CWP No.13431 of 2012*).

Mr. H. N. Mehtani, Advocate
for respondent No.2-HPSC
(*in CWP Nos.13431 of 2012 and 25568 of 2014*).

Mr. Kanwal Goyal, Advocate
for respondent No.2-HPSC (*in CWP No.16084 of 2012*).

ANUPINDER SINGH GREWAL J. (ORAL)

This order will dispose of the afore-captioned three petitions as common questions of facts and law are involved.

For the sake of convenience, the facts are being referred from CWP No.13431 of 2012.

This petition assails the result of examination dated 01.06.2012 (Annexure P-10) for the post of History Lecturer, School Cadre. The petitioner(s) had applied for the post of History Lecturer in pursuance to the advertisement issued by the respondents on 18.06.2009. Out of total 1317 posts of Lecturers in school cadre, 175 posts were meant for Lecturers in History. The result of the screening test was declared on 24.12.2010. However, result of the screening test had been challenged by unsuccessful candidates by preferring **CWP No.767 of 2011** titled as “***Preeti Vs. State of Haryana and another***” and in terms of the directions issued by a Coordinate Bench of this Court on 24.05.2011, the result was revised and the petitioner(s) along with other eligible candidates were called for interview. In the final result declared on 01.06.2012 (Annexure P-10), the petitioner(s) did not find place in the list of selected candidates.

Learned counsel for the petitioner(s) has contended that the respondents-Haryana Public Service Commission (HPSC) had called even those candidates for interview who could not qualify the screening test which has stultified the chances of the petitioner(s) for selection. In support of his submission, he has placed reliance upon the judgment of a Coordinate Bench of this Court in the case of “***Preeti Vs. State of***

Haryana and another” in CWP No.767 of 2011 decided on 24.05.2011.

Learned counsel for the petitioner(s) has further contended that the Commission has even enlarged the zone of consideration by calling candidates more than three times the number of the advertised posts, which was clearly impermissible. Learned counsel has also contended that the criteria adopted by the Commission inasmuch as providing 60 marks for interview and only 40 marks for personal achievements is contrary to law.

Per contra, learned counsel for the respondents has contended that the examination was conducted in terms of the conditions stipulated in the advertisement. The screening test was conducted for shortlisting of the candidates as a large number of candidates had applied for selection and such a exercise was necessary to maintain uniformity in the standard of selection and the criteria adopted was uniformly applied to all the candidates across the Board.

I have heard learned counsel for the parties and with their assistance, perused the writ petition.

It is apparent that the respondents have conducted the screening test for shortlisting the candidates. In the reply filed by the respondents, it is stated that earlier the cutoff mark in the screening test of General category was 38 and when it was found that certain ineligible candidates had also cleared the screening test, the exercise of shortlisting on the basis of the screening test was again undertaken and after including the ineligible candidates, the requisite number of candidates i.e. thrice the number of advertised posts were called for interview. As a result of this exercise, the cutoff marks which were earlier 38 came down to 35.

The respondents, thus, had conducted the screening test to shortlist the candidates, an announcement to this effect had also made by the respondents on 14.12.2010 (Annexure R-1), wherein it was clearly stipulated that candidates thrice the number of advertised posts shall be called for interview in terms of merit. Obviously, candidates who were otherwise ineligible cannot be called for interview and hence the candidates next in order of merit within the zone of consideration, which was three times the number of posts, were called by the respondents. Therefore, the argument of learned counsel for the petitioner(s) that zone of consideration was enlarged is devoid of merit and deserves to be rejected.

The reliance of learned counsel for the petitioner(s) on the judgment in the case of “*Preeti Vs. State of Haryana and another*” is wholly misplaced as it was held therein that the principle of reservation should be applied before calling the eligible candidates for interview and they should not be more than three times the number of advertised posts. As has been noticed hereinabove in the instant case, candidates three times the number of posts were called for interview after weeding out the ineligible candidates. This action of the respondents perfectly justified. I draw support from the judgment of the Division Bench of this Court in the case of “*Dr. Satinder Pal Singh and another Vs. Haryana Public Service Commission and others*” in *LPA No.526 of 2014*, wherein it was held that only those candidates who are eligible in all respects have to be called for interview.

The contention of learned counsel for the petitioner(s) that excessive marks have been allocated for viva-voce, cannot also be

accepted. The respondent-Commission had allocated only 60 marks for viva-voce while 40 marks were stipulated for personal achievements. It is well settled that only in case the written examination is followed by an interview than the marks for interview should not exceed 15%. In the instant case, there was no written examination and hence 60 marks for interview cannot be regarded as excessive. Reference can be made to judgment of a Coordinate Bench of this Court in ***CWP No.19305 of 2013*** titled as “***Poonam Rani Vs. State of Haryana and others***” decided on 18.01.2016, wherein this very selection of Lecturers pertaining to subjects other than History was in question and it was held therein that the criteria adopted by the respondents in providing 60 marks for viva-voce and 40 marks for personal achievement cannot be said to be excessive or in violation of the law.

Consequently, I do not find any merit in the instant petitions which stand dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

December 16, 2016
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No