

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

CWP No.13561 of 2016

Date of Decision: 14.07.2016

Manish Sharma

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Hari Om Sharma, Advocate
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The original advertisement dated 14.07.2015 published in the newspapers for direct recruitment for filling vacancies, inter alia, of Junior Engineer (Electrical/IT/Civil) advertised by the Haryana Power Utilities for appointment in the four Nigams/Corporations was modified by corrigendum dated 5.2.2016. The corrigendum is in two parts and relates back to the advertisement dated 14.7.2015. In its first half it deals with the Backward Class category candidates, with which we are not concerned in the present petition since the petitioner is a general category candidate.

The grievance in this petition is that the corrigendum restricts competition to 20 times the number of posts notified for each category, who would alone be eligible for appearing in the written test. However, the original principle in the advertisement of 14.7.2015 would remain the same and across board, that is, the

short listed eligible candidates selected for appearing in the written examination would be called on the basis of marks obtained in the qualifying examination. The method of short-listing has been built in the advertisement dated 14.7.2015 and permeates into the corrigendum. The only difference is of the restriction of candidates to be called for the written test due to the stipulation of restricting the competition to the number of candidates to be called i.e. 20 times the vacancies/post advertised of a particular category. The grouse of the petitioner is that he is an original applicant and the corrigendum invites fresh applications and which firstly expands the zone of selection and at the same time reduces his chances in the competition by the restrictions imposed and therefore the corrigendum deserves to be declared violative of his rights preserved by Articles 14 and 16 of our Constitution.

In direct recruitment where large number of posts are advertised and innumerable or disproportionately higher number of applications are received from eligible aspirants then to reduce the number of applications within manageable limits, the method of short-listing candidates can well be resorted to. This process cannot be said to dilute merit and the process becomes a part of the selection process. The method of short-listing in the original advertisement by marks in the qualifying examination has not been complained against i.e. candidates eligible will only be those who possess the cut off marks obtained by them in their qualifying examination. The petitioner does not make legitimate grievance of

first part of Clause 1(a) of the Corrigendum in the petition but complains against only the second part of the Clause and the curtailment therein. For the sake of convenience, the relevant part of the Corrigendum dated 5.2.2015 is reproduced below :-

“Besides the above, the following is also informed to candidates :

1. All prospective candidates as well as candidates, who have already applied in the earlier advertisements relating to part-II of the Special Recruitment are hereby informed by way of this Corrigendum that

a) The list of the candidates eligible for appearing in the Written Examination would be prepared purely on the basis of the marks obtained by the candidates in the qualifying examination as indicated in the earlier advertisement. The candidate numbering 20 times the post of particular category would only be eligible for Written Test.”

The two parts of sub clause (a) of clause 1 of the corrigendum, are both methods of cohesive short-listing. The second part [underlined above] is a part and parcel of an integrated process to short-list candidates and reduce numbers to make selection less cumbersome. But this does not mean that the petitioner has been put to disadvantage if he is not called for the written examination/test by shrinking the zone of consideration curtailed to 20 times the number of posts in Part-II limb of the Special Recruitment drive. The petitioner cannot assert as a matter of right that the competition should be restricted to the terms of the

original advertisement when selection process has not effectively begun and the corrigendum does not suffer from infringement of any of the fundamental rights of the contestants or give rise to palpable error, arbitrariness or caprice in the method adopted by the Haryana Power Utilities for its separate wings for selection and appointment to the posts of Junior Engineer (Electrical/IT/Civil) which is legally permissible by a common process, so long as the short-listing method does not itself result in selection, which it does not. It is for these reasons that I fail to see what actionable injury has been caused to the petitioner by act of respondents which might merit court intervention even if the petitioner's name falls outside the limit fixed. The petitioner has no fundamental right to selection and appointment except to compete and be considered in terms of the criteria laid down in the advertisement duly supplemented by the impugned corrigendum which is in its operation uniform to all within then range of the short-listing method adopted before the game began. I therefore do not think it proper to interfere in the matter for want of legally valid or cogent reason.

Accordingly, the petition is found devoid of merit and is dismissed in limine.

(RAJIV NARAIN RAINA)
JUDGE

14.07.2016
sp