

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

CWP No.14440 of 2016

Date of Decision: 23.08.2016

Rajni

....Petitioner

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. R.K. Arya, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the appointment of respondent No.5, who is stated to be lower in merit *viz-a-viz* the petitioner.

In pursuance of advertisement dated 25.12.2014 published in various newspapers, the petitioner as well as respondent No.5 applied for the post of Child Protection Officer (Institutional Care). The process of selection and criteria was mentioned in the advertisement. Respondent no.5 was selected but the petitioner has not been selected. The selection of respondent No.5 has been challenged in the present writ petition by raising various grounds.

Learned counsel for the petitioner submits that while selecting respondent No.5, the criteria mentioned in the advertisement has not been

followed. He further submits that respondent No.5 has been given two marks against his one Post Graduation Degree, which is contrary to the criteria mentioned in the advertisement. Petitioner has been granted 15.77 marks and his experience certificate has not been considered. Learned counsel further submits that not only after counting of experience but as per qualification, the petitioner is more meritorious than respondent No.5 and was entitled to be appointed against the post of Child Protection Officer (Institutional Care). Learned counsel also submits that for one year MCA course, one mark has been granted illegally to respondent No.5 with some extraneous reason and in case, one mark is reduced from the merit of respondent No.5, the petitioner is more meritorious.

Heard the arguments of learned counsel for the petitioner and have also perused the advertisement as well as criteria mentioned therein. I have also perused all the relevant documents available on the file.

The facts relating to publication of advertisement and criteria are not disputed. Petitioner as well as respondent No.5 applied for the post of Child Protection Officer (Institutional Care). The selection has been challenged only on the ground that the criteria mentioned in the advertisement has not been followed, whereas, the petitioner was more meritorious *viz-a-viz* respondent No.5. Petitioner has been granted 15.77 marks and the marks of experience, which has been furnished by her, have not been considered. Learned counsel also argued that one year MCA Course of respondent No.5 has been considered, whereas, there cannot be any course of Post Graduation Degree for a duration of one year.

On perusal of comparative merit of the petitioner and respondent No.5, it cannot be said that the petitioner was more meritorious.

Simply on the ground that two marks have been awarded to respondent No.5 and one mark has been awarded to the petitioner, the selection cannot be set aside.

Accordingly, no interference is required and as such, the present petition, being devoid of any merit, is hereby, dismissed.

23.08.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes