

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

CWP No.17605 of 2016 (O&M)

Date of decision:30.09.2016

Surender Singh

... Petitioner

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Mukesh Yadav, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks issuance of a writ of certiorari for quashing the result pertaining to the selection process of Canal Guard (Rewari Circle) at Annexure P-2.

Counsel would submit that the posts of Canal Guards were advertised in the year 2008 by the respondent/Irrigation and Water Resources Department, State of Haryana. A total of 750 posts were advertised and out of which 35 posts were for Rewari Circle. Out of these 35 posts, 2 posts were reserved for BC(B) category.

The petitioner is stated to be belonging to the BC(B) category and had applied for the post of Canal Guard for Rewari Circle.

Challenge to the final result declared at Annexure P-2 is on the ground that at the stage of interview, the petitioner has been under-assessed and has been granted only 4 marks whereas the last candidate selected in BC(B) category has been awarded 13 marks in the interview. Another limb of the argument is that as per criteria, the petitioner had fared well in the Physical Efficiency Test (P.E.T.) as also in the marks to be awarded towards academic qualifications but it is only on account of low marks having been awarded in the interview that the petitioner has not been selected.

Having heard counsel for the petitioner at length, I am of the

considered view that there is no merit in the petition.

No plea of malafides has been taken in the petition as regards the respondent/authorities having deliberately given less marks to the petitioner at the stage of interview. There is no assertion of favoritism and bias raised as regards the selected candidates having been awarded a higher grade so as to ensure their selection. In the absence of any such plea of malafides and nepotism/favoritism, this Court cannot proceed to draw any dubious inference as regards the Selection Agency having awarded low marks to the petitioner at the stage of interview and that also deliberately.

Apart from finding, no merit in the petition, there would also be the aspect of delay. The posts in question were advertised in the year 2008. The selection process culminated and the result declared in the year 2009 at Annexure P-2. Appointment letters were issued soon thereafter. The instant petition has been filed after an inordinate delay of 7 years and such delay has gone unexplained.

The writ petition furthermore is bad even on account of non-joinder of necessary parties. Petitioner seeks cancellation of the result of the post of Canal Guards pertaining to Rewari Circle. None of the selected and appointed candidates have been arrayed as party respondents.

For the reasons recorded above, no basis for interference is made out.

The writ petition is dismissed.

30.09.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |