

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP NO. 18671 OF 2016
DECIDED ON : 08.09.2016

Sushma Kumari

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present : Mr. N. S. Panwar, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

The petitioner is an applicant for the post of Assistant Engineer (Electrical) in the Backward Class-B category advertised by M/S PGCIL in 2015 for recruitment to any the three power corporations in Haryana in a combined examination. The selection process is based on written test followed by interview. She qualified the written test and expected to be called for interview. She is aggrieved by denial by the recruiting agency to appear for the interview having not achieved the minimum cut off 70% in the aforesaid category to which the petitioner admittedly belongs. The essential qualification for general category candidates and other category candidates required minimum 60% marks in the qualifying examination and

twofold claim. One, she is eligible as per the advertised qualifications. Secondly, her marks should be rounded off to the nearest whole number so as to make 0.73 decimal to be single digit, that is, 69.73=70. Are her claims justified?

The legal position is that rounding off marks to a whole number to improve merit position or entry for interview in direct recruitment is impermissible in law. Merely because the criteria adopted demanded 60% as minimum marks in the Bachelor of Engineering in Electrical Engineering or equivalent degree from a University duly recognised by the Central or State Government, does not mean that in the direct recruitment where thousands of applications are received and competitors are many, to impose cut off marks which may be at higher than the minimum required for eligibility for purposes of short-listing candidates to make selection manageable is not valid ground to interfere in the selection process. The petitioner may have qualified for the written test to enter the contest for the interview stage but opportunity of consideration has not been denied to the petitioner only for the reason that the minimum cut off imposed in the qualifying examination has swung the pendulum of marks coming to rest at 70%, which marks the petitioner does not possess in the aggregate of marks secured in the Bachelor of Engineering degree in the branch of Electrical Engineering. The petitioner cannot claim as a matter of right that 69.73% should be rounded to 70% to be declared eligible for the interview process. She obtained CGPA 7.34 in the BE examination. CGPA score has to be multiplied by 9.5 to work out percentage which comes to 69.73.

There is nothing wrongful or illegal in the prescription of cut

off to limit the selection to the best available and suitable for the post. As far as the plea of rounding off 69.73% to 70% is concerned, that contention has to be rejected as there can be no rounding off of marks in direct recruitment to change the merit unless rules, guidelines or regulations prescribe and permit for recruitment, which is not the case. The High Court cannot exercise such discretion to award grace marks and bring the petitioner within the zone of consideration. For the proposition of law; See W.B. Joint Entrance Examination Board v. Sarit Chakraborty, (2015) 13 SCC 668; Orissa Public Service Commission v. Rupashree Chowdhary; (2011) 8 SCC 108 (direct on point at the stage of interview), Bhanu Pratap v. State of Haryana; (2011) 15 SCC 304. Therefore, on both scores, the writ petition fails and is dismissed.

(RAJIV NARAIN RAINA)

JUDGE

SEPTEMBER 08, 2016

shalini

Whether speaking/reasoned ? Yes

Whether reportable ? Yes