

CWP No.19596 of 2016

#1# Manoj Kumar
2016.12.22 17:26
I attest to the accuracy and
integrity of this document

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19596 of 2016

Date of decision: 21.9.2016

Gurjaswinder Singh Dhaliwal & Anr.

....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Bhanu Partap Singh, Advocate for the petitioners.

Jaswant Singh, J

Petitioners, who were aspirants for being appointed as Block Extension Educators in the Department of Medical Education and Research, Punjab have sought for issuance of a writ in the nature of Certiorari for setting aside the provisional result declared by the respondents for the said post on 17.8.2016 (P.5) with a further direction to conduct re-examination of the test for the aforesaid post.

It is contended by learned counsel for the petitioner that since the petitioners were not aware about the syllabus for the test which was to be conducted for the post in question and the same was uploaded on the website of the University just at the fag end of the Test on 17.8.2016 itself, therefore, a great prejudice has been caused to the petitioner and the same is liable to be set aside being violative of Articles 14 & 16 of the Constitution.

Heard learned counsel for the petitioners and perused the paper book with his able assistance.

It is the case of the petitioner that the syllabus for the Test was declared by the Baba Farid University (conducting the written Test) on the evening of 16.8.2016 and was uploaded on the website of the University allegedly few hours earlier to the Test. A perusal of the syllabus appended at **Annexure P.4** reveals that it was notified that the questions shall be on Journalism as well as General Health, which is the prime duty for the post of Block Extension Educator and the essential qualifications prescribed are Diploma in Journalism. It is, therefore, apparent that the questions were to relate to the area of knowledge of the applicants and, therefore, no prejudice can be claimed to have been caused to any of the candidates. There is no allegation that the syllabus was made available well in advance to the other candidates, who succeeded in the Test. The only allegation is that the sufficient time was not given to all the candidates to prepare for the Test. There is no dispute that a similar treatment has been given to all the participants including the petitioners. Therefore, merely because the petitioner could not succeed due to paucity of time is not acceptable.

Even otherwise, the perusal of the Advertisement dated 09.5.2016 (P.1) also does not stipulate that the syllabus for the Test will be displayed on the website well in advance and the same reads as under:

*"It is requested that in order to fill up these posts, advertisement shall be published in the news papers and **after conducting the written test** without interview from the eligible candidates, merit list be prepared as per category and the*

same be sent to this office as soon as possible, so that these posts be filled up and people of the state can be given good health services."

[Emphasis supplied]

A perusal of the relevant part of Advertisement nowhere postulates that a sufficient long time in advance was to be afforded to the candidates for preparation to the Test for the posts in question. It goes undisputed that an equal opportunity with no discrimination has been afforded to all the candidates for the written test relating to the field of knowledge acquired by them in their essential qualification of Diploma in Journalism, in which some of them qualified, whereas the other remained unsuccessful including the petitioners for the reasons best known to them. But at least the petitioners cannot raise grievances that there is any discriminatory treatment meted out to them.

In view of the above, there is no merit in the present writ petition.

Dismissed.

September 21, 2016
manoj

(JASWANT SINGH)
JUDGE