

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 8767 of 2011

Date of Decision : May 03, 2016

Kimti Lal

.... Petitioner

vs.

State of Haryana and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Sushil Bhardwaj, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

Mr. Ramandeep Singh, Advocate
for respondents no. 4 to 6, 8, 9 and 11.

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DEEPAK SIBAL, J. :

Commission) sought applications for appointment to various posts including 91 posts of Junior Engineers (Civil) in the PWD (B&R) Department, Haryana. Out of these 91 posts, 08 posts were reserved for BCA Category, to which the petitioner and the private respondents belong.

It is the admitted position that the criteria for conducting selections to the posts in question was disclosed by the respondent Commission on 10.03.2009, as per which, the selection was to be based on academic excellence, for which 50 marks were earmarked and viva voce, which was to carry 25 marks – 75 marks in total. As per the afore-referred criteria, on 13.01.2010, interviews took place, in which the petitioner, as also the private respondents, participated, but on the declaration of the results on 29.07.2010, the private respondents were offered appointment, whereas the petitioner, in accordance with his merit, was not. It is in the background of these facts that the petitioner has filed the present petition for the reliefs mentioned earlier.

Learned counsel for the petitioner submitted that the criteria for selection was not disclosed in the advertisement, which would render the impugned selection to be illegal. Notwithstanding the afore-referred argument, he submitted that 25 out of a total marks of 75 earmarked for interview were excessive, giving impermissible discretion in the hands of the interviewing Board and on that ground alone, the impugned selection was liable to be set aside. It was further submitted that persons having lesser marks in the academic score had been given higher marks in the interview and vice versa and on this ground also, the selection of the private

