

CWP No.21176 of 2016

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

CWP No.21176 of 2016

Date of decision: 08.11.2016

Navjot Kaur

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sandeep Bansal, Advocate for the petitioner.

Jaswant Singh, J

Petitioner, who was aspirant for the post of Music Mistress against an Advertisement dated 17.12.2015 (P.2) issued by the Punjab Education Department, prays for issuance of a writ of Certiorari for quashing the final selection list dated 26.9.2016 (P.6), whereby respondent Nos.3 & 4 have been appointed as Music Mistresses under BC category; with a further writ of Mandamus directing the respondents to correct her Result in the list (P.5).

Learned counsel for the petitioner contends that the petitioner has performed very well in the two written tests i.e Aptitude Test and Music Test by securing 107 and 74 marks respectively (P.3) and was granted only 11 marks in the Practical out of 30 marks (total 107+74+11=192 marks). On the other hand, respondent Nos.3 & 4 have wrongly been awarded 23 & 15 marks respectively in the Practical and thus have stolen a march over the petitioner by making aggregate as 194 marks each on account of malafide intention of the examiners.

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

It is an admitted case of the petitioner that there were total 4 Examiners and none of them has been impleaded as party respondent and therefore, allegation of malafide is not acceptable. The contention of the petitioner that she secured 181 marks in two Written Tests whereas respondent Nos.3 & 4 secured only 171 and 179 marks respectively but were illegally granted more marks than the petitioner in the Practical Examination i.e 23 & 15 marks respectively are not tenable in view of the fact that the Practical Examination, which was of 30 marks, had been conducted by the Experts. Every candidate was required to secure minimum 15 marks to be declared as Pass and there was a concession of two marks for the reserved category including the BC, but in any case, 13 marks were mandatory even for the BC Category.

Undisputedly, the petitioner secured only 11 marks in the Practical and therefore, she has been declared as not qualified in the Practical and has rightly been shown in the list of ineligible candidates (P.5) by the official respondents.

In view of the aforesaid discussion, this court finds no ground to interfere with the selection made by respondent No.2 while exercising powers under Article 226/227 of the Constitution.

Dismissed.

November 08, 2016
manoj

(JASWANT SINGH)
JUDGE