

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

CWP No.21901 of 2016 (O&M)

Date of decision: 21.10.2016

Manish Kumar

....Petitioner

Vs.

State of Punjab and Another

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vikas Arora, Advocate for the petitioner.

Jaswant Singh, J

Petitioner-Manish Kumar is an aspirant for appointment against 120 posts of Senior Assistants, advertised by the government for appointment in the Punjab Civil Secretariat vide Advertisement dated 12.8.2016 (**P.2**). As per advertisement, apart from the laid down essential/minimum educational qualifications, a candidate is required to qualify in Punjabi and English Typing Tests of prescribed standard. The petitioner, having been declared unsuccessful in the Punjabi Typing Test, has assailed the action of the respondents, being illegal on account of wrong interpretation of the Instructions regulating the typing test.

Learned counsel for the petitioner contends that as per the Instructions and also the Advertisement, eight per cent (8%) mistakes out of the total typed words by a candidate are permissible, and mistakes beyond that is to be declared as 'Fail'. It is contended that the petitioner has typed 311 words within ten minutes and the respondents have recorded fifteen mistakes out of them, which being within the permissible 8% mistakes, has rendered the petitioner successful. He further submits that the

petitioner has been wrongly declared unsuccessful, as he has typed 296 correct words i.e 29.6 words per minute, which as per petitioner, has weighed in the mind of recruiting authority, to hold that he does not fulfill the other condition of passing the test with a speed of 30 words per minute. It is contended that the speed of 30 words per minute is relatable to the total words typed and, therefore, the entire approach of respondents, in interpreting the instructions is incorrect.

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

There is no material available on record to prove that the petitioner has typed 311 words within ten minutes and out of which he committed only 15 mistakes and rest of the words i.e 296 were recorded as correct. These are only bald allegations and the same have not been substantiated by way of any documentary proof.

Still further, a perusal of the Advertisement (P.2) reveals that out of total 120 posts, 5 were reserved for Physically Handicapped Candidates and the petitioner is claiming himself to be a candidate in that Category. A further perusal of the result of Written Test (P.4) reveals that the petitioner secured 35.5 marks and the highest candidate in the P.H Category got 98.5 marks. In other words, the petitioner is shown at Serial No.65 of the Written Test score against the PH Category.

Admittedly, the petitioner had participated in the selection process and now when the result is not favourable to him, he cannot turn around and challenge the selection process itself on the ground that the interpretation done by the respondent of the

advertisement/instructions is incorrect. It is not the case of the petitioner that the criteria has not been applied uniformly to all the candidates.

Under these circumstances, petitioner is estopped from challenging the result, especially when the assertions made are completely unsubstantiated and based upon disputed questions of fact, which, this court cannot go into while exercising powers under Article 226 of the Constitution.

In view of the above, this Court finds that the present petition is devoid of merit.

Dismissed.

October 21, 2016
manoj

(JASWANT SINGH)
JUDGE