

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 22.10.2016

CWP No.22043 of 2016

Satyavan

...Petitioner

Vs.

State of Haryana & others

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Narinder S. Dhillon, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

Challenge in this petition is to the appointment of 4th respondent as a Chowkidar-cum-Sweeper in the office of the Assistant Employment Officer, Guhla, District Kaithal. The petitioner and the 4th respondent competed for the said post for which the criteria prescribed was that candidate should be able to read and write Hindi. The Selection Committee has chosen the 4th respondent for the post in preference to the petitioner who was unsuccessful. The petitioner says that he is more meritorious than the 4th respondent and, therefore, should have been appointed, as he self proclaims to be superior in merit. Whether the petitioner possesses merit higher than the 4th respondent or is more suitable for the job, is not the domain of the Court to assess the comparative suitability of the parties. Suitability remains in the subjective satisfaction of the interviewing body provided it takes a fair decision on objective criteria laid down. The criterion is simple in character and there are no allegations of corrupt practice pleaded in the petition, bias, mala fides, nepotism or

favoritism alleged in the appointment of the 4th respondent to raise grave suspicion in the mind warranting an interdict.

It is well-settled that in order to justify Court interference in writ, the discretion exercised in making the selection should be so wide as to account for unfair and arbitrary selection. This is not the case projected in the petition and the self-serving pleadings of the petitioner that he was more suitable than the 4th respondent are not enough to ignite the jurisdiction of this Court provided under Article 226 of the Constitution when no substantial injustice has been done to the petitioner by reason of not being successful. Every selection bears the personalized signature of the selection committee as a human failing and it is only when the margins are as wide off the mark as to leave too much space for irrationality winning the day.

There is yet another acceptable argument, which is employed by the Court in such cases, is that an unsuccessful candidate cannot turn around and challenge the selection for had he won he would not have brought the petition.

Consequently, the instant petition fails and is dismissed finding no plausible ground for interference in exercise of writ jurisdiction.

22.10.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*