

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.22389 of 2016

Date of Decision:-21.11.2016

Kirti Sharma.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Teevar Sharma, Advocate for Petitioner.

JASWANT SINGH, J.(ORAL)

The petitioner has competed for selection and appointment against the three posts in the general category out of the eight posts of Deputy Rangers advertised vide advertisement dated 24.12.2015 (P-1). Apart from the aforesaid 08 posts, 39 posts of Assistant Superintendent/Welfare Officer/Probation Officers and 15 posts of Labour Enforcement Officer Grade-I were also advertised. The selection procedure prescribed that the final merit list would be drawn on the basis of result of the written examination, to be conducted on the basis of the notified syllabus.

It is conceded that for the post of Deputy Ranger apart from the minimum specified education qualifications, a candidate must possess the physical standards of height, chest and physical ability. That apart candidate is also required to possess the knowledge of Punjabi upto

matriculation level.

The Physical Standards as per the Advertisement No.5 of 2015 dated 24.12.2015 (P-1) are as under:-

Sr. No.	Name of Post	Educational Qualifications	Pay Scale
1	Deputy Ranger (Forest Deptt)	Should have passed a Bachelor Degree in Science or a degree of Bachelor in Engineering from a recognized University or Institution and should fulfill the following physical standard, namely:- i) Height:- Male 167 cms, Female 150 cm ii) Chest:- Unexpanded 79 cms, 74 cms Expanded 84 cms, 79 cms And Walk test of twenty five kms for males and fourteen kms for females to be completed within four hours.	10300-34800+4600

The petitioner is stated to have qualified the written test and placed at No.69 of the joint merit list.

Learned Counsel for the petitioner has raised the grievance regarding non conforming of any uniform pattern for calling the fixed number of candidates for physical measurements in all the three categories of posts advertised vide advertisement Annexure P-1.

After hearing the learned Counsel for petitioner no ground for interference is warranted. The non conformity of calling a common fixed number of candidates for physical measurement for selection to the three different categories of posts belonging to different departments does not give rise to any inference that a right of fair consideration of the petitioner or any other candidates has been affected or prejudiced. The selection and appointment is primarily based on the result of the written examination and the test of the physical measurement and Punjabi is of qualifying nature. If the Selection Board keeping in view their previous experience has called different number of candidates for physical measurements for three different

categories of posts (whose number also varies), does not mean that any arbitrary criteria has been adopted. Concededly, the petitioner has suffered no prejudice on that account. It is a settled principle of law that it is not for the Courts to lay down the methodology of recruitment or laying down the criteria of selection, which is exclusively within the domain of the employer unless it is shown to be contrary to any constitutional or statutory provision or is patently arbitrary or is vitiated due to malafides, as reiterated by the Hon'ble Supreme Court in a recent judgment **Union of India Vs. Pushpa Rani & Ors. 2008 (9) SCC 242**.

In view of the above, finding no merit in the present writ petition the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

November 21, 2016
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>