

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

CWP No. 4278 of 2016

Date of decision: 3.3.2016

Jagmeet Singh

... Petitioner

Versus

State of Punjab & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. TS Manes, Advocate,
for the petitioner.

1. To be referred to the Reporters or not? Yes.
2. Whether the judgment should be reported in the Digest? Yes.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner applied for the post of Math Master under Sports category. He competed in the selection process in which a large number of posts of Masters and Head Masters were advertised on October 1, 2013. The criterion adopted was strait-jacket formula assigning marks for qualifications, experience, achievements in sports etc. There was neither written test held nor viva-voce conducted. The petitioner produced his Sports Gradation Certificate (Annex P-3) on December 24, 2013 at the time of first counselling in support of his candidature. The second counselling was held on October 21, 2014 for scrutiny of documents etc. and the result of selection was declared in October, 2015, as per statement made by the learned counsel for the petitioner. The Sports Gradation Certificate issued by the department of sports is by the competent authority. The petitioner is graded 'C' for having obtained the 3rd position in the Punjab State Power Lifting

Championship (Senior).

2. Since nothing has been disclosed the petitioner as to non selection and this was only reason that he was not selected in the Sports Category and only three posts were advertised in this category and only two persons competed including the petitioner. Since the view of the selecting Authority is not known, the oral request of the petitioner is accepted that the legal notice dated November 28, 2015 (Annex P-7) be decided within one month from the date of receipt of a certified copy of this order since no elaborate exercise is required except to look at record of the selection and disclose reason for rejection qua sports gradation certificate is concerned and communicate the same to the petitioner in a few words. However, there is no legal necessity for passing a speaking order since it is well settled that it is not necessary to record reasons for not selecting a person who is within the field of eligibility much less would the principle apply to person who is not eligible or is under deficit to meet criteria adopted for the selection. See concepts of how far necessity of recording reasons of non-selection in appointments by promotion go in **UPSC v. Hiranyanlal Dev & Ors**, (1988) 2 SCC 242 and **State of Rajasthan v. Sriram Verma**, 1997 II LLJ 352. These principles inhere to direct recruitment cases with even greater vigour.

3. With the above observations and directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

3.3.2016
monika