

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.851 of 2014 (O&M)

Date of Decision: 15.09.2016

Dr. Inder Prabha

... Appellant

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

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| 1. <i>Whether speaking/reasoned?</i> | Yes / No |
| 2. <i>Whether reportable?</i> | Yes / No |
| 3. <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | Yes / No |
| 4. <i>To be referred to the Reporters or not?</i> | Yes / No |
| 5. <i>Whether the judgment should be reported in the Digest?</i> | Yes / No |

Present: Mr. NL Sammi, Advocate for the appellant

Mr. RKS Brar, Addl. AG Haryana

Mr. Kanwar Goyal, Advocate for respondent No.2

Mr. RP Daaria, Advocate for respondent No.4

Mr. BK Bagri, Advocate for respondents No.5,8&11

Mr. Gobind Sharma, Advocate for
Mr. NR Dahia, Advocate for respondent No.7

Mr. Ramender Chauhan, Advocate for respondent No.13

Mr. Vikas Chatrath, Advocate for respondent No.15

SURYA KANT, J. (Oral)

(1) The appellant assails the order dated 25.03.2014 whereby learned Single Judge dismissed her writ petition in which challenge was laid to the selection of Dental Surgeons made by Haryana Public Service Commission (in short, 'the Commission') in the reserved category of Scheduled Caste.

(2) Learned Single Judge dismissed the appellant's writ petition firstly for the reason that she did not implead the selected candidates and secondly that there were no allegations of favoritism or nepotism and that the

writ court would not sit as the appellate forum over the selection process undertaken by Commission.

(3) The appellant has impleaded the selected candidates in the instant appeal, who have also been heard. The Commission was directed to produce the original records including the selection criteria which has been produced in a sealed cover.

(4) We have gone through the selection criteria as well as the award list containing evaluation of different candidates belonging to reserved category of Scheduled Caste.

(5) We find that the Commission had before the start of interviews, evolved a criteria whereunder 40 marks were earmarked for Personal Achievements which included 30 marks for Academic Qualifications and 10 marks for Experience. Five marks were reserved for Higher Qualification and another 5 marks for Co-curricular Activities. Rest of the marks were for the Interview.

(6) As per the criteria, the appellant who has obtained BDS degree with 60.55% marks was entitled to 20 marks which have been correctly awarded to her. Similarly, she was having 3 years' experience and as per the criteria, 1-mark for each year experience was admissible. She has been correctly awarded 3-marks under the head of 'Experience' also. The interview was consisting of 60 marks divided into 3 Sub-Heads of 20 marks each comprising (i) knowledge, awareness, sensitivity to social issues, orientation and commitment towards service etc. (ii) intelligence, initiative, decision making, expression, presentation etc. (iii) poise, bearing, behaviour, ethics, human values, adaptability, articulation and other qualities.

(7) The appellant has been awarded in lumpsum 29 marks under these three Sub-Heads. She alleges that candidate bearing Roll No.4611, namely, Sunita Mangal d/o Ram Sharan (respondent No.15) has got undue favour. We find from the record that the said candidate was awarded 15 marks under the head of Personal Achievement. The appellant is not correct in alleging that any marks were awarded to respondent No.15 under the head of Experience. As regard to interview, respondent No.15 was granted 39 marks due to which she ranked higher in the overall merit.

(8) In the absence of any allegation of favouritism, nepotism or any pick and choose, the process evolved by the Commission in awarding marks under different Sub-Heads need not be gone into by this Court. We thus do not find any merit in this appeal and the same is accordingly dismissed.

(9) Let the original records be returned to counsel for the Commission.

(Surya Kant)
Judge

15.09.2016
vishal shonkar

(Sudip Ahluwalia)
Judge