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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment Delivered on: July 14, 2016

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W.P.(C) 8631/2006

MOHAN LAL & ORS.

..... Petitioners

Represented by: Mr.M.K.Das, Advocate

versus

UOI & ORS.

..... Respondents

Represented by: Ms.Abha Malhotra, Advocate
with Mr.Gaurang Bindra,
Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

PRADEEP NANDRAJOG, J. (Oral)

1. The short legal issue which arises for consideration in the instant writ petition does not justify the survival of the writ petition in this Court for ten years.
2. Challenge is to the Standing Order No.8/99/1999 dated November 24, 1999 which prescribes that for empanelment to be promoted as Inspector, the Sub-Inspectors would be assessed : (i) with reference to service record - 50 marks; (ii) written and practical test - 250 marks; and (iii) interview - 50 marks, with further prescription that at the written test and the interview the candidates must obtain at least minimum 40% marks and in the overall appraisal at least 50% marks. The argument is that prescribing 40% as the minimum is arbitrary.
3. The department is fully justified in prescribing a benchmark to determine suitability for promotion and while doing so would also be

entitled to prescribe minimum standard to be achieved in the written test and the interview.

4. Learned counsel for the petitioner simply states that prescribing 40% marks to be attained at the interview is unreasonable and illogical. Except for so stating how it is illogical and unreasonable is not brought out.

5. Clarifying that the office order in question has existed since the year 1999 and has been consistently followed and that the petitioners question a selection process which was initiated much after the office order was issued, we dismiss the writ petition simply noting that it is open to the executive to prescribe a qualifying benchmark but with no undue weightage to be given to interviews because there is an element of subjectivity in the interviews.

6. In the case as noted above, candidates are appraised on the scale of 350 marks : 50 marks for service record appraisal, 250 marks for the written test which includes a practical test and 50 marks for interview. 50 marks out of total 350 marks comes to 14.28%.

7. The writ petition is dismissed.

8. No costs.

(PRADEEP NANDRAJOG)
JUDGE

(PRATIBHA RANI)
JUDGE

JULY 14, 2016

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