

\$~24

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2931/2016**

LOV

..... Petitioner

Through: Mr.Ravindra S. Garia, Adv.

versus

POWER GRID CORPORATION OF INDIA LIMITED & ORS.

..... Respondents

Through: Mr.S. Upadhyay, Sr. Adv. with
Mr.Pavan Upadhyay & Mr.Rajesh
Chhetri, Advs. for R-1.
Mr.V.N. Kaura with Mr.Sumit
Benipal, Advs. for R-2 & 4.
Mr.B. Sangal with Ms.Vernika
Tomar, Advs. for R-3.
Mr.Rajan Khosla, Adv. for R-5 & 6.

CORAM:

HON'BLE MR. JUSTICE V.P.VAISH

ORDER

% **04.04.2016**

CM Nos.12258/2016 & 12327/2016

Exemption allowed subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 2931/2016

1. The petitioner is aggrieved by the action of respondent Nos.1 to 4 in putting the minimum criteria of 60% marks as 'essential qualification' for applying to the post of Law Officers in the advertisements (Annexure P-1) impugned in the present petition.

2. Learned counsel for the petitioner submits that respondent Nos.1 to 4 published advertisements for recruitment of Law Officers through Common Law Admission Test (CLAT-2016) wherein the essential qualification was prescribed as three years full time LLB or five years Integrated Law Course with not less than 60% marks.

3. The petitioner, admittedly, graduated from Campus Law Centre, Faculty of Law, University of Delhi securing 56.46% marks.

4. Learned counsel for the petitioner contends that putting the minimum eligibility marks to the extent of 60% in three years full time LL.B for recruitment of Law Officers is unreasonable, arbitrary and violative of office memorandum dated 05.11.1983 and Articles 14 and 15 of the Constitution of India.

5. I have heard learned counsel for the petitioner and perused the material on record.

6. It is the prerogative of the employer to lay down the educational qualification, eligibility criteria etc. for a particular post. In exercise of powers under Article 226 of the Constitution of India, this Court would not go into such exercise to hold that the qualification so prescribed are bad in law unless the qualifications so presented are wholly illegally, unjust and absolutely irrelevant.

7. The Supreme Court in the case of **Sanjay Kumar Manjul vs. Chairman, UPSC & Ors.**, (2006) 8 SCC 42, held as under:-

“25. The statutory authority is entitled to frame statutory rules laying down terms and conditions of service as also the qualifications essential for holding a

particular post. It is only the authority concerned who can take ultimate decision therefor.

26. The jurisdiction of the superior courts, it is a trite law, would be to interpret the rule and not to supplant or supplement the same.

27. It is well settled that the superior courts while exercising their jurisdiction under Articles 226 or 32 of the Constitution of India ordinarily do not direct an employer to prescribe a qualification for holding a particular post.”

8. Further, in **The State of Haryana vs. Subash Chander Marwaha & Ors.**, (1974) 3 SCC 220, it was held as under:-

“12.....Even as there is no constraint on the State Government in respect of the number of appointments to be made, there is no constraint on the Government fixing a higher score of marks for the purpose of selection. In a case where appointments are made by selection from a number of eligible candidates it is open to the Government with a view to maintain high-standards of competence to fix a score which is much higher than the one required for mere eligibility. As shown in the letter of the Chief Secretary already referred to, they fixed a minimum of 55% for selection as they had done on a previous occasion. There is nothing arbitrary in fixing the score of 55% for the purpose of selection, because that was the view of the High Court also previously intimated to the Punjab Government on which the Haryana Government thought fit to act. That the Punjab Government later on fixed a lower score is no reason for the Haryana Government to change their mind. This is essentially a matter of administrative policy and if the Haryana State Government think that in the interest

of judicial competence persons securing less than 55% of marks in the competitive examination should not be selected for appointment, those who get less than 55% have no right to claim that the selections be made of also those candidates who obtained less than the minimum fixed by the State Government.....”

9. In view of the aforesaid, I find no merit in the present petition. Accordingly, the petition is dismissed in *limine*.

CM No.12257/2016

The application is dismissed as infructuous.

V.P.VAISH, J

APRIL 04, 2016/gm