
206

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

Civil Writ Petition No.15101 of 2013

Date of decision: 14.09.2017

Ravneet Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Gaurav Goyal, Advocate for
Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Harish Rathee, Senior Deputy Advocate General, Haryana

Mr. Alankrit Bhardwaj, Advocate
Mr. Namit Khurana, Advocate for respondents no.2.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges the selection of Office Associates result of which was declared on 16.3.2013(Annexure P/4).

An advertisement No.2 of 2010 dated 14.8.2010 (Annexure P/2) was issued whereby 120 posts of Office Associates were advertised and the cut off date was 13.9.2010. 59 posts were available for the general category against which the petitioner applied. Essential qualification provided that persons were to be graduate with minimum 45% marks from recognised University/Institution and should have passed State Eligibility Test in Computer Department of Electronics and IT, Haryana Government.

It is the case of the petitioner that he was issued Admit Card for the interview which was slated to be conducted on 22.8.2012. Accordingly, result was declared on 16.3.2013 (Annexure P/4) which is now subject

matter of challenge on the ground that the petitioner did not make the cut.

Challenge is on the ground that criteria adopted by the Selection Committee was not justified, weightage given of the interview marks was arbitrary and therefore, the writ petition came to be filed on the ground that representation dated 28.3.2013 (Annexure P/5) had been filed and the marks obtained by him for the academic qualification and in the interview had been asked for.

The Commission in its reply mentioned that the petitioner obtained 39.04 marks in the general category as against 45.01 marks of the last selected candidate. He had obtained 9 marks in the interview and been given the benefit of 2 marks on account of higher qualification. As per academic qualification, he was granted 6.97 marks for the Matric/+2 and for graduation he was given 21.07 marks. In such circumstances, the selection process was sought to be upheld.

A perusal of the result would also go on to show that the criteria was mentioned in the result itself that 50 marks have been kept for academic qualification and 25 marks have been kept for interview. The same criteria has been applied to all the candidates. Once the petitioner had been taken chance by participating in the selection process and not making the grade, now he cannot turn around to challenge the criteria fixed as per law laid down by the Apex Court in **Chander Parkash Tiwari Vs. Shakuntla Shukla 2002(6) SCC 127**. A similar view has been taken in **CA 8345-46 of 2009-D.Sarojakumari Vs. R. Helen Thilakom & others** decided on 13.9.2017 by the Apex Court. It has been held as under:-

“11. As far as the present case is concerned an advertisement was issued by Respondent No.6 inviting

applications for the post of Music Teacher in Samuel LMS High School. Respondent No.1 did not raise any objection at that stage that the post could not be filled in by direct recruitment and she should be considered for promotion. Not only that, she in fact, applied for the post and took part in the selection process. After having taken part in the selection process and being found lower in merit to the appellant, she cannot at this stage be permitted to turn around and claim that the post could not be filled in by direct recruitment. The reasoning of the learned Single Judge in rejecting the objection is not in consonance with the law laid down by this Court. In view of this we need not go into the other issues raised.”

No malafide as such has been alleged against any person associated with the selection process on account of which the petitioner has been purposely given low marks in the interview while making assessment made by the selection committee and the petitioner having not made the cut cannot now turn around to challenge the selection.

Accordingly, finding no merit, the present writ petition is dismissed.

September 14, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No