

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

CWP No.15289 of 2013 (O&M)

Date of Decision: May 18, 2017

Jagwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bhavyadeep Walia, Advocate
for the petitioner.

Mr. L.S. Virk, Addl. AG Punjab.

Mr. Pavit Mattewal, Advocate
for respondent No.3.

JAISHREE THAKUR, J. (Oral)

The petitioner herein seeks appointment on the post of Lab Attendant with Sri Guru Granth Sahib World University, Fatehgarh Sahib and further seeks a writ in the nature of *certiorari* for quashing the impugned select lists, while alleging that the selection was without any criteria.

2. In brief, the facts are that the petitioner applied for the post of Lab Attendant, pursuant to an advertisement issued by Sri Guru Granth Sahib World University, Fatehgarh Sahib. After the selection process was initiated, the name of the petitioner figured at Serial No.33 in the merit list.

The petitioner appeared for the interview and was surprised that his name was not reflected as a candidate selected. Aggrieved that persons having lower in merit than the petitioner have been selected, the petitioner had approached the Department concerned, but to no avail. Aggrieved, the instant writ petition has been filed.

3. Mr. Bhavyadeep Walia, learned counsel appearing on behalf of the petitioner contends that the entire process of selection is vitiated, on account of an unfair selection process and having the necessary qualification, the petitioner ought to have been appointed. It is further argued that initially the advertisement only called for an application to be submitted for screening of documents, however, a written test was prescribed thereafter by a corrigendum that was issued in the newspaper dated 23.11.2012. It is further argued that once conditions had been specified, there could be no change in the eligibility criteria, after the process of the selection had been initiated, which would amount to change the rules of the game, which is not permitted.

4. Per contra, Mr. Pavit Mattewal, learned counsel appearing on behalf of contesting respondent No.3 argues that after the advertisement was issued, inviting the applications for recruiting Lab Attendants, a number of candidates applied. Keeping in mind the difficulty of interviewing the large number of candidates, it was decided to short list the candidates for interview by holding a written test. The petitioner herein appeared and was not selected on the ground that he did not have the requisite qualifications. It is argued that once having participated in the selection process and being unsuccessful in the same, he could not

challenge the criteria. In this regard, learned counsel for respondent No.3 relies upon judgments rendered by the Hon'ble Supreme Court in ***Union of India vs. Vinod Kumar***, 2007(8) SCC 100, ***K.H. Siraj vs. High Court of Kerala***, 2006(6) SCC 395 and ***G. Sarana vs. University of Lucknow***, 976 (3) SCC 585

5. I have heard learned counsel for the parties and have gone through the pleadings of the case.

6. The short controversy involved herein is, *whether the petitioner is entitled to be appointed as Lab Attendant with respondent No.3-University.*

7. A perusal of the qualifications required for appointment is that a candidate should possess:-

- (i) 10+2 certificate from a recognized Board;
- (ii) one year experience as a Lab Attendant in a recognized college/University/Institution of higher learning; and
- (iii) should have passed Punjabi at Matric level.

No doubt, the petitioner had the necessary qualification of 10+2 certificate from a recognized Board with Punjabi, but he failed to produce any certificate showing that he had the work experience of working as a Lab Attendant in a recognized college/University/Institution of higher learning. In fact, the experience certificate that the petitioner relied upon, has been issued by Punjab Para Medical Institute, which certificate was considered and rejected by the Screening Committee. The certificate issued does not inspire any confidence, since the said certificate is without an address as to

where the institute is located. There is no reference number or contact number mentioned therein and neither does the certificate appear to have any indication, as to whether it is a recognized institute or not or affiliated to anybody. Even though the name of the petitioner was reflected in the merit list at the time of interview, the selection committee found that the alleged institute was operating from one room premises in Patiala and was not a recognized institute. The petitioner has not been able to establish, even as on date, that the said institute is a recognized college/university/institute of higher learning. Resultantly, this court would not be able to issue any direction to respondent No.3 to offer appointment, though the petitioner would have the necessary educational qualification. Therefore, the plea for issuance of a writ of mandamus to appoint the petitioner is hereby rejected.

8. As far as the plea of quashing the selection of private respondents is concerned, the petitioner has no locus standi to challenge their selection, having failed to establish his own eligibility. Moreover, the law is settled in this regard, that having participated in the selection process and remaining unsuccessful in the same, the petitioner would have no right to challenge the criteria or to allege that the selection process is unfair.

9. In view of the above, there is no merit in the writ petition and the same is hereby dismissed.

May 18, 2017

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No