

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-12077-2015 (O&M)

Date of Decision:-18.09.2017.

Manoj Kumar Sharma

.....Petitioner

Versus

The District and Sessions Judge, Kurukshetra and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Govind Chauhan, Advocate for the petitioner.

Mr. Gurminder Singh Attariwala, Advocate
for respondent No.1.

Mr. Manuj Chadha, Advocate for respondent No.2.

Mr. Manish Saini, Advocate for respondent No.4.

Mr. Animesh Sharma, Advocate for respondent No.5.

Mr. P.S. Bajwa, Advocate for respondent No.6.

P.B. BAJANTHRI, J. (Oral)

Petitioner has sought for the following relief:-

“(a) issue a writ in the nature of Mandamus for quashing the impugned Selection List received through RTI vide Letter dated 5.5.2015 (Annexure P-3) qua the respondent Nos.2 to 6 only, whereby respondent No.1 has illegally selected the respondent Nos.2 to 6 who are less meritorious candidates than the present petitioner belongs to General Category.

(b) issue a writ in the nature of mandamus directing the respondent No.1 to consider and appoint the present petitioner on the post of Peon in the District Courts, Kurukshetra, as the petitioner was more meritorious than the respondent Nos.2 to 6.”

The first respondent has invited applications for the post of

Peons. Petitioner is a candidate for recruitment to the post of Peon. Petitioner has secured lesser marks than the last candidate in the general merit. Perusal of Rule 7 of the Haryana Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997 which provides for mode of appointment and qualification to the posts. Item No.12 (XII) relates to Peon. Appointing Authority is District and Sessions Judge or his delegates etc. For the purpose of determining mode of inviting application for the post in service, the concerned District and Sessions Judge is required to have a consultation with the Chief Justice or Judge nominated by the Chief Justice or by a general or special order. In this regard, the first respondent made a communication with the then Hon'ble Chief Justice. First respondent was empowered to fix the mode of selection. Consequently, first respondent formed 7 Committees for the purpose of interview for the post of Peon. Award of marks in the interview has been fixed for 3 items i.e. 1. Education and Experience, 2. Aptitude and 3. Suitability (10 marks for each of the item). Based on these modes, the respondents have awarded marks to each of the candidate with reference to each of the items mentioned (supra). The petitioner has not made out a case as to why the selecting Committee have awarded educational and experience marks - 06, Aptitude marks - 02 and Suitability marks - 02.

Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

September 18, 2017.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.