

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CWP-19831-2012

Date of decision : 26.10.2017

Amit Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Shilak Ram Hooda, Advocate
for the petitioner.

Mr.Hitesh Pandit, Addl.A. G. Haryana.

Mr. H.N.Mehtani, Advocate
for respondent no.3.

Mr.Ashwani Bhardwaj, Advocate
for respondent no.4.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, the petitioner seeks, firstly, a writ of certiorari quashing the selection of respondent no.4 as an Assistant Professor (Computer Science), vide the result announced on 28.12.2011, the relevant extract of which has been annexed as Annexure P-10 with the petition.

He also seeks issuance of a similar writ, quashing the communication dated 30.07.2012, Annexure P-15, by which the Secretary to the Haryana Public Service Commission has intimated the petitioner that the entire process for selection to the posts in question, as were advertised, has been completed and therefore no interview can be held (for the posts advertised against advertisement no.7). A mandamus is also sought, to

The contention of Mr.Hooda, learned counsel appearing for the petitioner, is that respondent no.4, Kavita Sharama, was appointed in the general category (the petitioner being from the physical handicapped category), to the post of an Assistant Professor (Computer Science), though she did not possess the essential qualification of Ph.D. on the cut off date prescribed in the advertisement, Annexure P-1, wherein the closing date is given as 27.11.2009, with the said respondent having acquired the degree only on 27.11.2011. After that, the result was announced on 28.12.2011.

Mr.Mehtani, learned counsel appearing for the respondent Commission, as also learned counsel appearing for respondent no.4, both however point to the announcement Annexure P-5, dated 26.07.2011, by which those who had enrolled for a Ph.D. degree on or before 31.01.2009, were to be considered eligible for exemption of the requirement of the minimum eligibility condition of NET/SLET, if they acquired Ph.D. degree up to the date of the interview.

Respondent no.4 is stated to have been interviewed on 06.12.2011.

Mr.Hooda firstly submitted that the interview process was delayed only to accommodate respondent no.4, as she was earlier called for an interview, which interview was deferred on her submitting a medical certificate and thereafter, since she had acquired the degree on 27.11.2011, she was again called for an interview on 06.12.2011, pursuant to which she was selected and appointed to the post in question.

Whereas the contention of Mr.Hooda would otherwise have been necessary to have been gone into, prima-facie at least favouritism

having been seen to be shown to respondent no.4 as above, however, in view of the fact that the petitioner himself did not acquire the qualification of Ph.D. till 20.06.2012 and he having applied under the physically handicapped category for the same post, with that post remaining vacant, his request for an interview subsequently, after the entire selection process was over, after he acquired the degree 6 months later, cannot be entertained.

Consequently, finding no merit in this petition, it is dismissed, but with no order as to costs.

If the petitioner still wishes to pursue his remedy by way of a public interest litigation, he would be at liberty to do so, which petition would be, naturally, looked at wholly on its own merits, including as regards its maintainability etc.

(AMOL RATTAN SINGH)
JUDGE

October 26, 2017.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No