

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

CWP No. 17288 of 2015 (O&M)
Date of decision: April 6, 2017

Suman Sharma

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vikas Gupta, Advocate,
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab,
for respondent No.1.

Mr. Anupam Singla, Advocate,
for respondent No.2.

None for respondent No.3.

JAISHREE THAKUR, J.

1. The petitioner seeks to challenge the appointment offered to respondent No. 3 on the post of Accountant-cum-Cashier.

2. In brief, the facts are that official respondents issued an advertisement dated 20.9.2014 for filling up the post of Accountant-cum-Cashier, with a walk-in interview and the minimum educational qualification prescribed was that a candidate must be a Commerce Graduate (B. Com) with knowledge of Tally and an experience of 2 years in accounts. The petitioner being a commerce graduate, who had also passed the course in Tally, and had a total work experience of 6 years applied and appeared

for the interview. A merit list was prepared and respondent No. 3 was selected for the post merely on account on the basis of aggregate marks obtained in B.Com and M. Com. Aggrieved, the instant writ petition has been filed.

3. Mr. Vikas Gupta, learned counsel appearing on behalf of the petitioner, contends that, as per the advertisement, the educational qualification prescribed was that a candidate must be a commerce graduate with knowledge of Tally and must have experience as an accountant for a minimum period of two years. The petitioner scored 44 marks, whereas respondent No. 3 Mohit Kumar only secured 39 marks and despite being higher in merit appointment was not offered to her. It is further contended that respondent No. 3 has been given marks for M .Com in addition to the marks obtained in B Com, which was not actually a requirement as per the advertisement.

4. Per contra, learned counsel appearing on behalf of the respective respondents, argue that 28 applications were received against the advertised posts and to shortlist the candidates, answering respondent decided to conduct a written test. The written test was conducted on 4.02.2015 with prior intimation to the candidates. 5 candidates passed the Tally test and they were called for counseling to scrutinize the documents/qualifications. The Selection Committee prepared a merit list on the basis of academic qualifications of candidates and respondent No. 3 was selected as he got more marks on the basis of higher academic qualifications, as per the criteria approved by the competent authority.

5. I have heard the counsel for the parties and also perused the

record of the case.

6. The facts are not in dispute that an advertisement was issued inviting applications for the post of Accountant-cum-Cashier. The minimum qualification as prescribed was that a candidate must be a commerce graduate with knowledge of Tally and work experience of 2 years. The petitioner secured 44 marks in the written test held on 4.2.2015 as against respondent No. 3 who only secured 39 marks. As per the additional affidavit filed in this court, in response to the question raised as to what was the criteria adopted by the Selection Committee, it is informed that the Selection Committee met on 03.12.2014, prior to the written examination that took place, wherein the Selection Committee decided to hold a Tally tests, and give a percentage of marks obtained in B.Com plus M.Com/MCA/MBA while preparing the merit. 5 candidates qualified the Tally test and then merit was prepared according to the percentage of marks obtained. Respondent No. 3 being higher in merit, with a total score of 118.28 marks, was selected. Once the selection has been held in accordance with the criteria, as laid down by the Selection Committee, and selection has been given to the person higher in merit, there is no occasion for this court to interfere in the same.

7. The argument raised that in the advertisement there was no condition specified that a person having a higher qualification would get the benefit of the same, is not sustainable. A reading of the advertisement prescribes a qualification of graduation in commerce and knowledge of Tally with experience as an accountant for a minimum of 2 years. The advertisement does not debar a candidate having a higher educational

qualification from participating in the selection process. The criteria of considering higher qualification along with the minimum qualification prescribed, was decided by the Selection Committee on 3.4.2012, that is *prior* to the written examination conducted and candidates were shortlisted for document verification thereafter. Therefore, once the criteria was decided prior to the written test, it cannot be said that the criteria was to benefit any single individual person.

8. Even otherwise, the petitioner having participated in the selection process and after being unsuccessful, is not in a position to challenge the criteria adopted by the Selection Committee. The Selection Committee having been duly constituted and there being no irregularity in conduct of selection, interference in writ jurisdiction of this Court would not be called for.

9. The writ petition is devoid of any merit and hence is dismissed.

April 6, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No