

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

204

**CWP-24362-2012 (O&M)
Date of decision:01.06.2017**

Fateh Ram

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. N.D.Achint, Advocate for the petitioner.

Mr. R.K.Doon, AAG, Haryana.

Ms. Archana Vashisht, Advocate for
Mr. Padamkant Dwivedi, Advocate for respondent No.3.

P.B. Bajanthri, J. (Oral)

In the present writ petition, petitioner has assailed selection and appointment of 4th respondent to the post of Tourist Officer. The official respondents have advertized for the post of Tourist Officer while prescribing following essential qualification :-

E.Q. i) Graduate from a recognized University

ii) 3 years experience in Publicity for public relation or travel
agency or Airlines or Govt. Tourism Department or Hotel

Management or Catering in a responsible.

iii) Hindi/Sanskrit upto Matric standard.

2. Selection and appointment to the post of Tourist Officer is based on the qualifying examination and interview. Selecting authority prescribed following method of awarding marks.

“HARYANA STAFF SELECTION COMMISSION, PANCHKULA

CRITERIA FOR MAKING SELECTION ON THE POST TOURIST OFFICER, HARYANA TOURISM CORPORATION AGAINST ADVT. NO. 2/2010, CATEGORY NO. 36
LAST DATE 13.09.2010

TOTAL MARKS:75

1. Basic Qualifications: 15 Marks

Matric/+2

0.15 of the percentage of marks in whichever higher marks have been obtained.

2. Essential Qualifications: 30-Marks

Graduate from a recognized University with 3 years experience in Publicity or Public Relation or travel agency or Airlines or Govt. Tourism Department or Hotel Management or catering in a responsible.

0.30 of the percentage of marks obtained.

3. Experience : 05-Marks

Experience in the prescribed field over and above the essential experience.

1 mark for each completed period of 1 year up to a maximum of 5 marks.

4. Viva voce: 25-Marks

To assess the knowledge of subject, communication skill, general knowledge, general awareness and intelligence.

Member -I

Member -II

Member -III

(Vinay Sharma)

(Vijay Kumar)

(Ashok Jain)

Member -IV

Member -II

Member -III

(Ram Sharan Bhola)

(Lalit Butana)

(Lal Singh Yadav)”

Comparative qualification and marks obtained by the petitioner and 4th respondent reads as under:-

“COMPARATIVE TABLE OF QUALIFICATION OF PEITTIONER AND RESPONDENT NO. 4.

PETITIONER			RESPONDENT NO. 4		
Qualification with marks	Marks as per criteria		Qualification with marks	Marks as per criteria	
10+2	43%	6.58/15	10+2	41%	8.95/15 (should be 6.15/15)
Graduation (BTS)	57%		Graduation (No Master Degree)	44.5	13.35/30
Master Degree in Tourism	60%	17.14/30			
Experience	6 years	2/5 (should be 3)	Experience	4 years	1/5 (should be 3)
Viva Voce		10/25	Viva Voce		21/25

3. Petitioner in all respects is more qualified and he has been awarded more marks for the qualifying examination like graduation and matric/+2. Only while awarding marks in the interview, petitioner has been awarded 10 marks and 4th respondent has been awarded 21. When the method of viva voce prescribed as i) knowledge of subject ii) communication skill iii) general knowledge iv) general awareness v) intelligence. The interview member has awarded 10 marks to the petitioner and 21 marks to 4th respondent out of 25. There is no assessment in respect of each of the heads mentioned for the viva voce. In other words, randomly marks have been awarded. Therefore, selection of 4th respondent is liable to be set aside for non-compliance of the item No. 4 for the marks to be

awarded to each of the candidate with reference to basic qualifications, essential qualifications, experience and viva voce. Accordingly, selection and appointment of 4th respondent to the post of Tourist Officer is hereby set aside.

4. The selecting authority is hereby directed to hold fresh interview to the post of Tourist Officer insofar as assessing their candidature with reference to knowledge of subject, communication skill, general knowledge, general awareness and intelligence.

5. Above exercise shall be completed within a period of 3 months and announce the result depending upon the out come of the marks awarded to the candidates and proceed to select and appoint a candidate.

6. CWP stands allowed.

01.06.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No