

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

CWP No.24524 of 2013

Date of Decision:23.02.2017

Sh. Rajbir Singh ... Petitioner

Vs.

State of Haryana and others ... Respondents

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

Present : Mr. R.K. Arora, Advocate for the petitioner.

Mr. Harish Rathee, Sr. D.A.G. Haryana.

Mr. R.S. Cheema, Advocate for respondents No.3 to 5.

Mr. R.K. Malik, Sr. Advocate with
Ms. Rimple Kadyan, Advocate for respondent No.6.

P.B. BAJANTHRI J. (Oral)

Pursuant to the order dated 27.1.2017, respondent-college stated that petitioner can not be accommodated as a permanent employee. Further, it is admitted that no selection criteria was adopted to determine the relative merit of the candidate and no interview marks were awarded to any of the candidate as per the record available in the college.

In view of these facts, the matter is to be heard.

In the instant petition, the petitioner has questioned the selection of 6th respondent to the post of Mali pursuant to the advertisement dated 4.1.2013.

The petitioner was appointed as a Mali in the respondent-college on 1.6.1999. Similarly, 6th respondent was appointed as a peon in the year 2013. Both of them were appointed on ad-hoc basis and they are working. The management advertised one post of Mali on permanent basis.

The petitioner and 6th respondent are candidate for the selection and

appointment to the post of sweeper. 6th respondent is stated to have been selected.

Learned counsel for the petitioner submitted that even though the petitioner was appointed on 1.6.1999 as a Mali, the selecting authority have not granted any weightage in terms of Government communication dated 20.12.2007 (Annexure P-3) and 22.7.2013 (Annexure P-4). It was further contended that no criteria has been laid down for the purpose of selection and appointment to the post of Mali i.e. awarding of marks etc. Therefore, the selection of 6th respondent to the post of Mali is liable to be set aside.

On the other hand, learned counsel for the respondent-management fairly submitted that no criteria has been followed nor relative merit of the petitioner and 6th respondent has been taken note of before selection of the 6th respondent.

Learned counsel for 6th respondent submitted that unless and until members of the interview committees are arrayed as parties, it is not correct on behalf of the management to state that no criteria has been followed.

The respondent-management is a responsible institution as well as 5th respondent is an officer of the college. In writing, he has submitted that no relative merit has been considered and so also no criteria has been adopted for the selection of 6th respondent. Therefore, they are not in a position to accommodate both petitioner and 6th respondent. Therefore, members of the interview committee be necessary party to the present proceedings as stated by the 6th respondent is rejected.

In view of the admission of the management that no criteria has

been laid down for the purpose of selection of the 6th respondent so also relative merit has been assessed in selection of 6th respondent. Hence, entire process of selection and appointment of 6th respondent to the post of Sweeper is set aside. The respondents-management are directed to re-advertise the post of Mali and extend weightage to the petitioner as well as to respondent No.6 in the process of selection, if any, in terms of Government instructions dated 29.5.2007 (Annexure P-3).

Petition stands allowed.

23.02.2017
rajeev

(P.B. Bajanthri)
Judge

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