

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

Date of decision : 14.09.2017

1.

CWP-18921-2017

Subhash Chander and others

... Petitioners

Versus

Haryana Staff Selection Commission

... Respondent

2.

CWP-18905-2017

Surjit Singh

... Petitioner

Versus

The State of Haryana and another

... Respondents

3.

CWP-18996-2017

Rajesh Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vivek Sharma, Advocate
for the petitioners in CWP-18921-2017.

Mr.Charanji Lal, Advocate
for the petitioner in CWP-18905-2017.

Mr.Sunil Kumar Nehra, Advocate
for Mr. Neeraj Sheoran, Advocate
for the petitioner in CWP-18996-2017.

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

AMOL RATTAN SINGH, J.(ORAL)

By these petitions, the petitioners are seeking that the action of

the respondent Haryana Staff Selection Commission, in calling candidates for interviews on the basis of written examination marks, without adding the marks assignable to a candidate for the experience gained by him, in terms of the advertisement, be struck down, such action being irrational and in fact arbitrary.

The contention is that for each year of experience gained by a candidate, as per the criteria framed, (disclosed in the advertisement Annexure P-1), he/ she is to be given one percentage mark and therefore, once the documents pertaining to the number of years of experience of a candidate are scrutinized, obviously a definite component of the criteria, on the basis of which marks are to be assigned, becomes known to the Commission. Hence, the said marks, as would be verifiable from the experience certificates produced by the candidates, should be added to the marks obtained by the candidate in the written examination, and on the basis of that total number of marks, candidates equal to twice the number of posts to be filled in, should be called for the interview.

Another contention raised in some of these writ petitions, is that candidates not twice but three times the number of posts to be filled in should be called for interview, in terms of the notification of the Government of Haryana dated 11.08.2017, stipulating to that effect.

The second issue has already been settled by a judgment of a co-ordinate Bench, passed in *Sukhbir Singh and others Vs State of Haryana and others (CWP no.18878 of 2017)*, with the Letters Patent Appeal filed against the said judgment also stated to have been dismissed.

Essentially, the reasoning given in the said judgment was that a selection process already having commenced much prior to the notification

dated 11.08.2017, it would amount to “changing the rules of the game after it had started”.

Consequently, that prayer, made in some of these writ petitions, is rejected.

As regards the first prayer, (which is the only prayer in the present petition, i.e. CWP no.18921 of 2017), it is found to be wholly rational and logical, in view of what has already been stated hereinabove, that is, that the marks to be assigned for each year of experience are a definite set of marks which are to be assigned on the basis of experience certificates to be produced by the candidates before the Commission and consequently, they being a 'known invariable' after scrutiny of the documents, the marks to be awarded for such experience need to be added to the marks obtained by each candidate in the written examination, which are again a 'known invariable'.

Consequently, this petition is allowed and the respondent Commission is directed to add the marks obtained by candidates for experience, to the marks obtained by them in the written examination, and if any candidates are then found to have obtained marks higher than those who have already been interviewed on the basis of the marks obtained in the written examination (excluding the marks already assigned to them for the interview), those many number of candidates be now called for interviews, on a date to be published by way of public announcement by the respondent Commission.

It is also directed that in all future selections also, for all posts advertised by the respondent Commission, where the criteria adopted by the Commission includes assignment of fixed marks on the basis of various

certificates such as academic qualifications, experience etc., such marks be determined from the scrutiny of documents of a candidate, and they be added to the marks obtained by each candidate in the written examination, and thereafter a merit list be prepared, and the candidates making it to the said “select list” (prior to the interview stage), be called for interviews.

All the connected petitions in which a similar relief is sought, are allowed in the same terms.

The direction be carried out at the earliest, in view of the fact that the selection process is to be completed at the earliest possible.

(AMOL RATTAN SINGH)
JUDGE

September 14, 2017.
Davinder Kumar

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