

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

CWP No. 6465 of 2012(O&M)
Date of decision: 15.3.2017

Rajvir Singh

...Petitioner

Versus

Punjab State Agricultural Marketing Board and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Anil Rana, Advocate, for
Mr. Puneet Gupta, Advocate,
for the petitioner.

Mr. Gaurav Gogna, Advocate,
for respondent No.3.

JAISHREE THAKUR, J.

1. By way of instant writ petition, the petitioner seeks to challenge the appointment of respondent No.3 being violative of principle of natural justice.

2. Respondent—Market Committee issued advertisement dated 14.10.2011 and invited applications for the post of a Sewadar. The qualification, as required for the post, was that the applicant should have passed 8th standard with a condition that no extra benefit shall be given for higher qualifications and the selection would be based on the marks of interview which would also comprise marks of personality, physical fitness, speaking ability, dedication towards work etc.

3. Learned counsel for the petitioner contends that no weightage

was given to the educational qualifications at the time of interview and, in fact, 100% marks were assigned to the interview which was at the discretion of the Interviewing Committee. Moreover, an argument is raised that respondent No.3 is related to respondent No.4, who was the Chairman of the Market Committee and being the Chairman and residing in the same village, the selection of respondent No.3 is wholly biased and vitiated. He further contends that the petitioner having the higher educations should have been given appointment.

4. Per contra, learned counsel appearing on behalf of respondent No.3 submits that the only qualification require for the post of Sewadar was that the applicant should be 8th Class pass with Punjabi subject and any additional qualification would not amount to giving extra weightage. It is also argued that there is no connection between respondent No.3 and the Chairman of the Selection Committee, as alleged. The only connection is that they are residents of the same village. Learned counsel for the respondent relies upon Annexure R3/3, which is a pedigree chart prepared under the signatures of the Patwari which, in fact, does not reflect any relationship between the two. It is also argued that after having participated in the process of selection, the petitioner is not allowed to challenge the advertisement that was issued. Similarly, the reply as filed by the Market Committee shows that no marks were to be allocated for the higher qualifications.

5. I have heard both the counsel for the parties and on perusal of the advertisement, it is clearly borne out that the only requirement for the post of Sewadar was that the applicant should have the educational

qualification with 8th class pass. Clause 4 of the condition specifies that merit shall be prepared on the basis of the interview in which the candidates personality, physical fitness, speaking ability, dedication to work etc. shall be considered. Therefore, the merit was to be prepared, as per the marks obtained in the interview. Once the petitioner was aware of the terms and conditions, it is not open for him to challenge any condition specified therein. It is made abundantly clear in the advertisement itself that the merit would be on the basis of the marks obtained in the interview. The Hon'ble Supreme Court in **Ramesh Chandra Shah and others Versus Anil Joshi and others AIR 2013 SC 1613** and **Madras Institute of Development Studies and another Versus K. Sivasubramaniyan and others AIR 2015 SC 3643**, held that once a person who has participated in the selection process, it is no longer open for him to challenge any condition specified therein at a later stage. Moreover, the allegations as raised that the selected candidate respondent No.3 was the relative of the Chairman is not borne out from the record. There is no document on the record to substantiate this averment, whereas Annexure R3/3 prepared by the Patwari of the village does not establish this relationship.

6. Therefore, the above noted writ petition is dismissed being devoid of merit.

15.3.2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No