

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

**Civil Writ Petition No.24917 of 2017 (O&M)
Decided on : 30.11.2017**

Kiran Bala

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Sushil Bhardwaj, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

CM-16955-CWP-2017

Application for placing on record Annexures P-12 and P-13 is allowed, subject to all just exceptions. Annexures P-12 and P-13 are taken on record. Office to append the same at the appropriate place.

CM stands disposed of.

Main case

The petitioner seeks quashing of the result dated 24.06.2017 (Annexure P-9), whereby respondent No.4 has been selected for appointment to the post of Refractionst.

Counsel for the petitioner has argued that on account of the fact that the experience was from 300 bedded hospital (Annexures P-12 & P-13), the petitioner is entitled for 6 marks for experience as she had 3 years experience with the Multispeciality Civil Hospital, Panchkula.

In the alternative the arguments raised are that she was having a degree in Optometry. The selected candidate-private respondent was

holding a diploma and she should have been given preference. Lastly, it is argued that the result was declared on 24.06.2017, whereas the appointment order had already been issued on 23.06.2017.

The above said arguments are not liable to to be accepted. Thus, firstly even if 6 marks is granted for experience, the petitioner's merit rises to 54.45, since she had already been given two marks for experience. The candidate selected has got 63.85 marks and there is only one post. In between the petitioner there are four others who would be placed at higher pedestal and the petitioner would not come within the zone of consideration.

Secondly, there is no preference clause in the terms of the advertisement that the person with the degree is to be given preference and, therefore, the argument raised that the petitioner should have been given preference over and above the private respondent is also not liable to be accepted.

Lastly, the result might have been declared on 24.06.2017 (Annexure P-9. But perusal of the result would go on to show that interviews were held on 07/08.06.2017 and the merit list was prepared on 07.06.2017.

Merely, because the appointment letter were issued on 23.06.2017 and the formal result was put up a day later would not as such make out any case for the petitioner. The comparative grading also would go on to show that the criteria fixed was for academic marks. The interview was only of 12 marks, out of which the petitioner has got only 5

marks. The other persons were placed higher in merit were also given less marks in the interview. The private respondent as much as got 8 marks. Even if the benefit of 3 additional marks is given to the petitioner and also the benefit of experience given as contended, the petitioner would not rise beyond 57.45.

Resultantly, this Court is of the opinion that there is no scope for interference. The writ petition is, accordingly, dismissed in limine.

NOVEMBER 30, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No