

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

CWP No.3798 of 2016
DATE OF DECISION:19.09.2017

Amarjit Kaur & another

...Petitioners

Vs.

State of Punjab & others

..Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Karnail Singh, Advocate
for the petitioners.

Ms. Anu Chatrath, Additional A.G. Punjab
for the respondents-State.

Mr. Amandeep Saini, Advocate
for respondent Nos.3 to 48, 50 to 59,
61 to 66 and 68 to 105.

DAYA CHAUDHARY, J.(ORAL)

The prayer in the present petition is for issuance of a writ in the nature of certiorari quashing impugned order dated 16.11.2014 (Annexure P-2) passed by respondent No.2 whereby total 103 persons have been selected/appointed as Sub Inspector (Female).

Briefly, the facts of the case as made out in the present petition are that an advertisement for recruitment of 110 posts of Sub Inspector (Female) in Punjab Police (District Cadre) was published. The selection was to be made on the basis of physical measurement and physical efficiency test. A written test was also conducted and thereafter the selection list was prepared which has been challenged by way of filing the present petition.

Learned counsel for the petitioners submits that entire process

of selection has been conducted in an illegal and irregular manner by changing the criteria mentioned in the advertisement. Learned counsel also submits that in the written test, the questions were not from the syllabus prescribed for the post. The written test was to be held at 11:00 am but it was commenced at 11:30 am without any sufficient reason and just to give benefit to some of the candidates. It is also the argument of learned counsel for the petitioners that total 352 candidates qualified the written test whereas only 276 candidates were called for interview and more marks were prescribed for interview which is contrary to the settled proposition of law. Learned counsel also submits that the applications were invited in the month of November 2013 and written test was conducted on 12.11.2014 i.e. after a lapse of one year. Thereafter the result was declared in haste and the marks obtained by the candidates were not disclosed while declaring the result. At the end learned counsel for the petitioners submits that whole of the selection process is liable to be quashed being not fair and impartial.

Learned counsel for the respondent-State submits that petitioner No.1-Amarjit Kaur participated in the physical efficiency test and thereafter she appeared in the written examination and after qualifying the physical test, she could not qualify the written test Similarly petitioner No.2-Sukhwinder Kaur also qualified the physical efficiency test. All the candidates were to appear in the written test which was of 100 marks and total 100 questions were to be solved within a period of 2 hours. The syllabus was published in the advertisement i.e National and International issues Terrorism/Nexalism, General Science, Information Technology and its applications, Numerical Aptitude, Reasoning, Indian Sub-content.

Learned State counsel further submits that the physical efficiency test was started at 11:30 am instead of 11:00 am due to huge rush but sufficient and reasonable time was given to all the candidates. Learned State counsel also submits that it was mandatory to get minimum 45% marks to qualify the examination by the candidates belonging to SC, ST and BC category, whereas 50% marks were required by general category candidates. The candidates equal to three times of the total number of seats were called for interview and there was no illegality and irregularity in conducting physical efficiency test and written examination. Learned counsel for the petitioners has not been in a position to show as to how the selection is bad in law and is not based on merit prepared by the Selection Committee.

Similarly, learned counsel for the private respondents submits that the selection of private respondents has been made in accordance with physical standard and educational qualifications. All the candidates have joined their services. Petitioners themselves have participated in the selection process and they have no right to challenge the selection.

Heard arguments of learned counsel for the parties and have also perused the documents available on the file.

Facts relating to publication of the advertisement, criteria mentioned therein, number of posts and declaration of result are not disputed. The process of selection as mentioned in the advertisement is reproduced as under:-

- (I) **Physical Measurements:** Minimum height 5 feet and 3 inches
- (II) **Physical Efficiency test:** Only those candidates who fulfill the physical measurement criterion shall be eligible to

participate in following physical efficiency Test.

- (A) (i) **800 Meter Run** to be completed in minimum 4 minutes and 30 seconds (only one chance)
- (ii) **Long Jump:** 3.00 Meter minimum (three Chances)
- (iii) **High Jump:** 0.95 meter minimum (three chances)

The merit list of the candidates who qualified the physical measurement and physical efficiency test including 800 meters race, long jump and high jump was prepared. All candidates had to qualify the physical test, physical efficiency test, the long jump and the high jump as mentioned in the advertisement. The selection has been challenged only on the ground that the written test was commenced at 11:30 am instead of 11:00 am and questions were out of syllabus. Undisputedly, there was short listing of the candidates as after qualifying the physical efficiency test and written examination, the candidates were to appear for interview and thereafter merit list was prepared. It cannot be said that there was change of criteria as the physical efficiency test and written test were to be qualified by the candidates and thereafter, they were required to appear before the interview committee.

It is settled position of law that the employer has the absolute right to prescribe the qualification for the posts advertised and it is for the Selection Committee to ascertain as to whether a particular candidate has the requisite qualification or not. The rule making authority is the best judge of the needs of a particular job and is well equipped to prescribe the requisite qualifications. It has also been held in various judgments that to prescribe the source and mode of recruitment including qualification and also the criteria of selection falls within the domain of the employer.

Nothing has been brought to the notice of this Court as to who are the candidates who are less meritorious viz. a viz. petitioners and have been selected/appointed. In the present case, the petitioners themselves have participated in the selection process and subsequently, finding themselves to be un-successful have filed the present petition for quashing whole of the selection on frivolous grounds i.e. that the time of the physical test was changed and questions were out of syllabus.

Accordingly, finding no merit in the arguments raised by learned counsel for the petitioners, the present petition being devoid of any merit, is hereby dismissed.

19.09.2017
rimpal

(DAYA CHAUDHARY)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
Whether reportable:	Yes/No