

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

CWP No. 8101 of 2013 (O&M)
Date of decision : March 27, 2017

Chinki Rani

..... Petitioner

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashutosh Kaushik, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG Haryana

Mr. Anand Bhardwaj, Advocate
for respondents No.4 and 5.

Mr. Ravi Verma, Advocate
for respondent No.6.

Ajay Tewari, J (Oral)

By way of this writ petition, the petitioner has challenged the selection of respondent No.6 as an Assistant Professor in the subject of Music in Arya Girls College, Ambala Cantt (respondent Nos.4 and 5).

Counsel for the petitioner has argued that the petitioner was wrongly deprived of one mark. In the criteria, it was mentioned that a candidate would be entitled to one mark for debates/declamation/quiz/poetic recitation/literary and fine arts at University or State level. A music competition was organized on 17.2.2012 jointly by two societies i.e Sangeet

Sankalp, Kurukshetra and Society for Promotion of Art and Culture,

Kurukshetra in collaboration with the Department of Music and Dance, Kurukshetra University Kurukshetra, as a tribute to Pt. Bhimsen Joshi, Ustad Asad Ali Khan, Ustad Mahmood Dhaulpuri, Ustad Sultan Khan, and Pt. Sharda Sahaye. The petitioner got second position in Sitar playing and claims that she is entitled to one mark under the criteria.

Learned AAG Haryana, on the other hand, asserts that the phrase 'University' or 'State' level can only be attached to a function which is either organized by the University in its official capacity or by the State in its official capacity, and the competition in which the petitioner participated cannot be classified as University or State level function. Further, as per her, even though music is an art yet it would not come within the ambit of 'Fine Arts' which is normally understood to comprise disciplines of painting, sculpture and other visual media. In my opinion, these arguments have more weight.

Counsel for the petitioner has further argued that as per the criteria, respondent No.6 was not entitled to more than eight marks for her teaching experience. In the criteria, weightage for experience is mentioned as follows :-

<u>IV. Teaching Experience</u>	<u>10 Maximum Marks</u>
i) Upto 60 months and above	10 marks
ii) Upto 48 months	08 marks
iii) Upto 24 months	04 marks
iv) Upto 12 months	02 marks

Admittedly, respondent No.6 had worked for more than four years and was granted 10 marks on that basis. As per counsel for the petitioner, this is a wrong interpretation because the Government had itself prescribed by document Annexure P26 that to get marks for experience a person must have worked for at-least 150 days and since respondent No.6

had not worked for 150 days after completing four years' service, she was not entitled to two marks. This argument has been repulsed by the respondents by stating that this revised criteria came into force only in 2013 while the present selection was made in 2012 and as per the criteria prescribed for the post for which the petitioner is claiming, respondent No.6 was rightly granted 10 marks since she had teaching experience for more than 48 months. I find favour with this argument also.

Resultantly, this writ petition is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

March 27, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No