

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.2160 of 2016 (O&M)

Date of Decision: April 17, 2017

Gaurav Sharma and othersAppellants

versus

State of Haryana and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.Sushil Kamboj, Advocate, for the appellants.

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Surya Kant, J. (Oral)

The appellants are aggrieved by the order dated 22.07.2016 whereby the learned Single Judge has dismissed their writ petition in which selection made to Grade-D posts was challenged by them.

[2] Learned Single Judge has dismissed the writ petition summarily on account of (i) delay in challenging the recruitment after over three years; (ii) selected candidates were not impleaded as party-respondents, and (iii) the appellants cannot claim themselves to be meritorious only because they are eligible.

[3] We have heard learned counsel for the appellants and gone through the record.

[4] As per the information received by the appellants under Right to Information Act, 2005, following was the selection criteria:-

"S.No.	Marking Criteria	Maximum Marks Allocated
1.	Marks of academic standard for middle pass.	15

2.	Additional Marks for academic standard matric pass.	15
3.	Additional Marks for academic standard 10+2 pass.	20
4.	Marks for experience (one Mark for each year of part thereof)	10
	Total	60"

[5] Neither in the writ petition nor during the course of hearing, the petitioners have alleged that any candidate with less marks under the heads of 'academic standard' or 'experience' has been selected. There are no averments against the eligibility of selected candidates. Similarly, there is no averment that any candidate has been favoured or that the Selection Committee acted arbitrarily in ignoring the appellants' claim. Learned Single Judge appears to be right in observing that the appellants cannot claim selection merely because they were eligible. They were required to achieve minimum bench mark as per the prescribed selection criteria. The Competent Authority has informed the appellants in reply to their legal notice that none of them qualified to be called for interview. The onus was thus on the appellants to show that candidates lower in merit have been called for interview and selected. In the absence of any such averment, we are satisfied that no interference with the order under appeal is called for.

[6] That apart, the learned Single Judge is right in observing that there is inordinate delay and laches on the part of the appellants in approaching the Court. The selection was made during the year 2013. The requisite information including the selection criteria was obtained by the appellants on 26.08.2013. They chose to file the writ petition in the year 2016 only, i.e., after almost three years and that too without impleading any selected candidate as party-respondent.

[7]No case to interfere with the order under appeal is made out.

[8]Dismissed.

[SURYA KANT]
JUDGE

April 17, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned
Whether Reportable

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Yes/No
Yes/No