

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

LPA No.2548 of 2016 (O&M)

Date of Decision : 06.12.2017

Mahesh Sharma and others

....Appellants

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

....

Present : Mr.Ashok Bhardwaj, Advocate
for appellants.

....

MAHESH GROVER, J. (Oral)

This appeal is against the judgment of the learned Single Judge dated 18.01.2016.

The appellants as aspirants for the post of Lecturer in English (School Cadre) (in the impugned judgment it is mentioned as 'English' but the appellants state that it is 'Political Science') responded to the advertisement by the Haryana Public Service Commission in 2009. They failed to make the grade and questioned the selection process in writ proceedings. The solitary argument raised before the writ court as also before us is that as per the selection criteria 60% marks had been kept for the interview while 40% were for educational qualifications and the process was preceded by a screening test. By relying on various precedents of the Hon'ble Supreme Court regarding prescription of the interview marks, the appellants contends that prescribing 60 marks for interview gave the

selectors handle to manipulate the result to deny the meritorious claims of numerous aspirants. The writ court disagreed with the contention and concluded that the appellants having fought and lost could not question the selection to decline interference which is now the cause of grievance to the appellants who contend likewise as they did before the writ court.

We have perused the material on record in particular the result of the selected candidates and the marks allocated to them under various heads i.e. screening test, interview and academics. It does not reveal the manipulation of the kind alleged by the appellants. That apart, there are no allegations of mala fides or nepotism against the selectors to suggest a nexus between the selected candidates and them. The results of various selected candidates when examined minutely also does not show any deliberate attempt to upgrade a candidate with lesser marks. For example, we see number of candidates who have got 48 marks in the screening test and 25 marks for the academics but have got 30 marks in the interview, while some of the candidates have got 45 to 48 marks in the interview. If one were to ensure the selection of a candidate with less marks in academics and screening test there would have been a spike in the interview marks. Finding no material that would persuade us to conclude against the selection process adversely, we would decline interference in the findings of the learned Single Judge more particularly when the appeal is also barred by an inordinate delay of 269 days with hardly any plausible explanation that may warrant

condonation of the said period.

We are of the firm opinion that a validly executed selection process should be interfered with only if mala fides and nepotism are strongly indicated therein.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

06.12.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No