

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No.2988 of 2007

Dr.(Mrs.) Indu Bala Minj, W/o Shri U.D. Minj, aged about 33 years, working as Medical Officer at Community Health Center (CHC), Masturi, Bilaspur, R/o G.V.-34, Geetanjli Nagar, Nehru Nagar, Bilaspur (CG)

---- Petitioner

Versus

- 1.** State of Chhattisgarh, Through the Secretary, Department of Medical Health, Mantralaya, D.K.S. Bhawan, Raipur (CG)
- 2.** Guru Ghasidas University, Through its Registrar, Koni, Bilaspur (CG)
- 3.** Chhattisgarh Institute of Medical Science, Through its Dean, Bilaspur (CG)
- 4.** The Selection Committee, Head by Vice Chancellor, Guru Ghasidas University, Koni, Bilaspur (CG)
- 5.** The Screening Committee, Constituted for the post of Teaching Staff, Chhattisgarh Institute of Medical Science, Guru Ghasidas University, Bilaspur (CG)
- 6.** Dr.Vibha Baghel, D/o Dr.K.D. Baghel, Aged about 30 years, Working as Lecturer in CIMS (Obst & Gynea) R/o D-I/111, Devendra Nagar, Sector-3, Raipur (CG)

---- Respondents

For Petitioner	:	Mr.Ravi Bhagat, Advocate
For State	:	Mr.Sangrash Pandey, Dy.G.A.
For Respondent No.6	:	Mr.Aman Tamboli, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/1/2018

- 1.** The petitioner as well as respondent No.6 appeared in the selection process for appointment on the post of Lecturer and after due process respondent No.6 was appointed on the said post. The petitioner questioning the appointment of respondent No.6 and her non-selection on the post of Lecturer filed the instant writ petition.
- 2.** Mr.Ravi Bharat, learned counsel for the petitioner, would submit that respondent No.6 was not qualified and the petitioner was more meritorious than respondent No.6, therefore, she ought to have selected by the Selection Committee and appointment of

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respondent No.6 deserves to be set aside. He would further submit that respondent No.6 did not possess requisite qualification as she did not have 3 years experience as a resident doctor as envisaged in the advertisement.

3. Mr.Sangrash Pandey, learned State Counsel for the State and Mr.Aman Tamboli, learned counsel for respondent No.6, would support the impugned order. Learned counsel for respondent No.6 would further submit that respondent No.6 was having 3 years experience as resident doctor and as such, she is eligible to be appointed on the post of Lecturer and she has rightly been appointed.

4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also gone through the records with utmost circumspection.

5. Copy of certificate dated 17.5.2006 has been filed by the CIMS clearly indicating that respondent No.6 had 3 years experience as a post graduate resident in the Department of Obstetrics & Gynaecology, N.S.C.B., Medical College, Jabalpur from 2nd May 2003 to 1st May 2006 which fulfills the criteria for appointment on the post of Lecturer as envisaged in the advertisement, which states that a person possessing a recognised postgraduate medical degree qualification and having 3 years Resident/Registrar/Tutor/Demonstrator experience obtained during the training as a postgraduate student is eligible to be appointed as Lecturer. Therefore, a plea raised by the petitioner that respondent No.6 did not possess requisite qualification has no merit.

6. So far as comparative merit is concerned, the Supreme Court in the matter of **Madan Lal and others Vs. State of J & K and others**¹ has held that the Court cannot sit as a court of appeal and try to reassess the relative merits of the candidates concerned who had been assessed at the oral interview. It was observed as under:-

“10. Therefore, the result of the interview test on merits cannot be successfully challenged by a candidate who takes a chance to get selected at the said interview and who ultimately finds himself to be unsuccessful. It is also to be kept in view that in this petition we cannot sit as a court of appeal and try to reassess the relative merits of the candidates concerned who had been assessed at the oral interview nor can the petitioners successfully urge before us that they were given less marks though their performance was better. It is for the Interview Committee which amongst others consisted of a sitting High Court Judge to judge the relative merits of the candidates who were orally interviewed, in the light of the guidelines laid down by the relevant rules governing such interviews. Therefore, the assessment on merits as made by such an expert committee cannot be brought in challenge only on the ground that the assessment was not proper or justified as that would be the function of an appellate body and we are certainly not acting as a court of appeal over the assessment made by such an expert committee. ”

7. In view of above, the writ petition deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-

1 (1995) 3 SCC 486