

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

CWP-19434-2012 (O&M)
Date of decision : 18.09.2018

Beant Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vijay Sharma, Advocate,
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Mr. Aditya Pal Singla, Advocate,
for respondent No.3.

Mr. A.P. Kaushal, Advocate,
for respondent No.4.

JITENDRA CHAUHAN, J.

The petitioner seeks quashing of order/resolution dated 16.11.2010 (Annexure P-3) passed by respondent No.3, whereby, after ignoring the claim of the petitioner, respondent No.4 has been appointed as Salesman; and order dated 10.10.2011 (Annexure P-4), whereby, the appeal preferred by the petitioner has been dismissed by respondent No.2.

The precise grouse of the petitioner is that he ought to have been appointed to the post in question being more meritorious and qualified to respondent No.4. The petitioner is a Graduate with 57.50% marks and had obtained 53.55% marks in the 10+2. He has also done one year

diploma course in computer application and 6 months' diploma in Computer Accounts. To the contrary, the selected candidate, respondent No.4, is only 10+2 pass with 51.33% marks.

On the other hand, learned counsel for the respondent-Society submits that it was nowhere provided in the advertisement that the candidate with higher qualification would be given preference. Respondent No.4 had worked as Computer Operator for more than three years with Moonak Branch of the respondents.

Heard.

As per the public notice dated 02.11.2010, the minimum qualification required for the post in question was 10+2 with 45% marks. It was also mentioned that the person having knowledge of computers will be preferred. There is no dispute with regard to the fact that the petitioner is possessing higher educational qualification than respondent No.4. However, it has nowhere been mentioned in the advertisement that the candidate possessing higher educational qualification would be given preference. There is also no requirement of possessing any certificate/diploma in computer applications, rather, the advertisement reflects that candidate having 'knowledge' of computers would be preferred. During the appellate proceedings, it has come in evidence of Manmohan Lal, Branch Manager, Sangrur Central Co-operative Bank Ltd., Branch Office Moonak, that respondent No.4 has worked as Computer Operator in the Bank during the period 31.03.2007 to 30.09.2010 and had been dealing in accounts. Thus, respondent No.4 has more than 3 years and 6 months'

experience to his credit. In this background, the appointing authority has considered respondent No.4 most suitable for the post in question as compared to the other candidates, including the petitioner. Learned counsel for the petitioner has failed to point out any illegality or perversity in the impugned orders, Annexures P-3 and P-4, which are hereby affirmed.

Consequently, the instant petition, being devoid of any merit, is hereby dismissed.

18.09.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No