

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

CWP No.15295 of 2015 (O&M)

Date of decision: 03.10.2018

Dharam Veer

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Khurana, Advocate for the petitioner(s).

Ms. Ambika Bedi, AAG, Punjab.

Mr. Surmukh Singh, Advocate
for respondent Nos. 4 to 6.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner seeks quashing of order dated 10.04.2013 (Annexure P-13) whereby the claim of the petitioner for consideration of his candidature for the post of Teaching Fellow had been rejected.

The petitioner applied for the post of Teaching fellows in response to the advertisement dated 02.09.2007 under scheduled caste category. The name of the petitioner figured at Sr.No.205 in the list of eligible candidates and he was shown to have secured 41.225 marks. However, he was not allowed to participate in the first counselling as the posts falling under the scheduled caste category had been filled up.

It is asserted that the merit of the petitioner has not been

correctly assessed by the respondents. The petitioner had acquired the qualification of B.Ed more than a year prior to the date of advertisement and thus, he is entitled to two marks towards experience in view of Note (b) of clause experience of the advertisement. The respondents did not follow the proper criteria and as per qualification of the petitioner, he ought to have been scored at 42.225% marks. The last selected candidate in the category of the petitioner was having 41.66 marks. The respondents in an arbitrary manner had selected the less meritorious candidate.

On the other hand, learned State counsel submits that the last candidate in petitioner's category was 41.66% marks after the first counselling. The petitioner never participated in the second counselling held on 14.05.2010, therefore, the present deserves to be dismissed on this score alone.

Learned counsel for respondent Nos.4 to 6 submits that the petitioner was lower in merit than the last selected candidate, therefore, his claim was rightly rejected by the competent authority.

Heard.

The solitary grievance of the petitioner is that his candidature was wrongly rejected after not adding two marks of experience by selecting the candidate lower in merit after wrongly assessing his experience of teaching. The petitioner secured 41.225% marks whereas the last selected candidate in the category of the petitioner secured 41.667% marks. As per record, the petitioner had passed the B.Ed examination on 20.08.2006 and last date of submission of application for

the post in question was 30.09.2007. The petitioner is claiming the benefit of two marks towards experience on the basis of re-evaluation marks of B.Ed examination whereby his marks were increased from 600 to 617 out of 1000. Clause 5(3)(b) of the advertisement reads as under:-

“One mark for every completed six months will be given to the candidate from the date of declaration of B.Ed result (maximum 10 marks)”

As per reevaluation detailed marks of B.Ed, the experience is countable from the date of declaration of result of reevaluation i.e. 09.03.2017 and as per which, the experience of the petitioner comes to less than seven months. Learned counsel for the petitioner has failed to explain the reasons as to why the petitioner did not appear in the second counselling. Therefore, in view of the material available on record, the Court feels that the respondents have rightly rejected the candidature of the petitioner being lower in merit.

Dismissed.

03.10.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No