

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.28490 of 2017(O&M)

Date of Decision:-05.02.2018

Rajinder Singh & Ors.

.....Petitioners.

Versus

Punjab Public Service Commission & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ajay Pal Singh Saini, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

The unsuccessful candidates have filed the present writ petition challenging the final merit list P-6 & P-9 for the post of Agriculture Development Officers primarily on the ground that the selection conducted by the respondent-commission was not fair as the marks of interview have been granted in a biased manner.

I have heard Counsel for the petitioner.

The main argument of the learned Counsel for the petitioner is that as per the dictum of the Hon'ble Division Bench of this Court in **2010 (2) SLR 662** titled as **Anu Radha Vs. State of Haryana & Ors.**, the interviews conducted by the Commission have not been tape recorded and some candidates have been interviewed for 20 minutes and some have only been interviewed for four minutes. It is further argued that the Commission

arbitrariness and discretion in the hands of the commission while selecting the candidates.

After hearing learned Counsel for the petitioners and perusing the paper book with his able assistance, this Court is of the considered view that the present petition is devoid of merit and deserves to be dismissed.

Admittedly, the petitioners had participated in the selection process and were very well aware of the selection criteria adopted by the Commission. In any case even if they were not aware about the selection criteria at the time of advertisement they still took a calculated chance by participating in the selection process and now when the result is not in their favour they cannot be turn around to challenge the criteria on the ground that higher marks have been awarded in the interview or that higher percentage of marks have been reserved for the said interview process, in any case it is to be seen that the written test was for 300 marks and 40 marks were kept for interview. Meaning thereby only 12% of the total marks were kept for the interview process and this in my opinion cannot be held to be extraordinarily high. The Commission is conducting recruitment for Class-I and Class-II posts and the conduct and demeanor of the candidates is also one of the important aspects while selecting the candidates to such high post. Hence no fault can be found in the criteria at all.

As far as the argument raised by learned Counsel for the petitioner that the respondent-Commission has not followed the dictum of the Division Bench judgment passed by this Court in *Anu Radha's case (supra)* is concerned it is to be seen that the aforementioned judgment was challenged by the Public Service Commission by filing SLP No.19022 of 2009 before the Hon'ble Supreme Court and the said direction of conducting

the interviews was stayed vide order dated 13.08.2009 which is still pending adjudication. Once that being so it cannot be held that by not recording the interview process the entire selection process stands vitiated.

In view of above, finding no merit in the present writ petition the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

February 05, 2018
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>