

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

LPA No.660-2018 (O&M)

Date of Decision: 07.05.2018

Anita Devi

... Appellant

Versus

State of Haryana & others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL,
ACTING CHIEF JUSTICE.**

HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ashok Bhardwaj, Advocate for the appellant.

....

TEJINDER SINGH DHINDSA, J.

CM-1800-LPA-2018:

The instant application has been filed under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 22 days in filing the accompanying appeal.

For the reasons stated in the application, prayer is allowed.

Delay condoned.

Application is disposed of.

LPA-660-2018:

The instant appeal under Clause X of the Letter Patent Act is directed against the order dated 24.10.2017 passed by the learned Single Judge dismissing CWP-23080-2018 that had been filed by the appellant.

Writ petition had been filed by Anita Devi (appellant herein), assailing various orders passed by the authorities under the Right to

Information Act, 2005 and whereby her request for supply of OMR Sheet, marks obtained by her and cut off marks prescribed under various categories pertaining to the written examination for direct recruitment to the post of Post Graduate Teacher (Hindi) had been declined. Writ of mandamus was sought for directing the authorities concerned to supply such information.

Learned Single Judge has dismissed the writ petition and upheld the orders passed by the authorities under the Right to Information Act, 2005 by taking a view that the selection process was still ongoing and if the prayer was to be accepted, it would open flood gates of similar applications at the hands of other unsuccessful candidates and in such eventuality the selection process would not attain finality.

Counsel for the appellant has argued that every candidate has a fundamental right of having knowledge of the marks obtained in the examination in which such candidate has participated. Another limb of the argument is that providing the information sought would ensure that the selection/recruitment agency acts in a fair and transparent manner. Further contended that there was no embargo on the recruitment agency as regards furnishing of information to the appellant. Reliance has been placed by counsel upon judgment of this Court in **Kuldeep Singh Versus The Central Information Commission and others, 2017(1) RCR (Civil) 293**.

Having heard counsel for the appellant at length and having perused the pleadings on record, we are of the considered view that the instant appeal sans merit and deserves to be dismissed.

Undisputedly, petitioner appeared in a written examination conducted by the Haryana Staff Selection Commission (in short 'the

Commission') for Post Graduate Teachers (Hindi) on 27.03.2016. The examination was of an objective nature. The Commission posted the result of the written examination on its website. Further process of selection envisaged a counselling/interview process. Name of the appellant did not figure in the result posted by the Commission. The selection process had not culminated at the point of time when appellant sought information which had been declined by the authorities under the Right to Information Act and which was a subject matter of challenge before the writ Court.

The reasoning adopted by the learned Single Judge while declining to interfere that the same would impede and delay the selection process, cannot be considered as untenable. That apart, denial of information in the nature of marks obtained , OMR sheet etc. prior to culmination of the selection process would also obviate any chances of manipulation at the hands of the recruitment agency inasmuch as if the marks were to be revealed and put in public domain, there would be every possibility of a mischief being played and a candidate having not secured sufficient merit in the written examination being propped up at the stage of interview/counselling. Denial of the requisite information at such vital stage, as such, ensure purity of the selection process.

We may also observe that no prejudice has been caused to the appellant. It would always be open for her to seek the requisite information as regards marks obtained etc. after culmination of the selection process and to thereafter agitate her grievance, if any.

The judgment in **Kuldeep Singh's case (supra)** would have no applicability in the present case as the issue involved therein was not

pertaining to denial of information during subsistence of a selection process.

For the reasons recorded above, no interference in the matter is warranted.

Appeal is dismissed.

Since the main appeal has been decided, pending applications, if any shall also stand disposed of.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

07.05.2018

harjeet

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No