

CWP-19386-2013

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

CWP-19386-2013

Date of Decision: March 12, 2019

Parminder Singh

... Petitioner

vs.

State of Punjab and Ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. B.S.Sidhu, Advocate
for the petitioner.

Ms. Ambika Sood, Deputy Advocate General, Punjab.

ARUN MONGA, J

The present writ petition has been filed, *inter alia*, for issuance of a writ in the nature of *certiorari* to quash the selection, as per merit list dated 22.05.2013 (Annexure P6), to the post of 'Senior Dots plus and TB/HIV Supervisor'.

2. Succinctly, the factual backdrop is that through an advertisement (Annexure P5), applications were invited by respondent no.3 for the post of 'Senior Dots plus and TB/HIV Supervisor' on contract basis. In the said advertisement, it has been stated that the necessary qualification for the post is Graduation with preferential qualification of 03 years experience in Revised National Tuberculosis Control Program (RNTCP).

3. The criteria adopted for the selection has been placed on record as Annexure P7 wherein the detail break up of the marks to be awarded as per the qualifications of the respective candidates have been given. The said criteria is not under challenge by the petitioner.

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4. I have gone through the rival pleadings and heard learned counsels for the respective parties.

5. For the reasons stated hereinafter, I do not see any scope of interference in the selection made by the respondents No. 1 to 3, as per the merit list Annexure P6.

6. The lead contention of learned counsel for the petitioner is that the petitioner had about five years of relevant experience as TB Health Supervisor for which he ought to have been given due preference as per advertisement. He contends that had the said preference been given to the petitioner, he would have been given the appointment to the said post instead of the private respondents no.4 and 5.

7. Per contra, learned State counsel has drawn my attention to the awards given to the candidates as per criteria. Per the criteria, a candidate having 50% marks in Graduation, was awarded 05 marks and one mark for additional 1% marks in Graduation with maximum 45 marks, 02 marks for each additional qualification and 2 marks for preferential qualification i.e. experience which ought to be a minimum of 3 years in RNTCP. In addition to this 01 mark for each year's experience with maximum 5 marks.

8. Learned State counsel rightly contends that as per the said criteria, the petitioner secured an aggregate of 54.46 % marks in the breakup of which is 2 marks for preferential qualification i.e. 03 years of experience in RNTCP plus 04 marks of work experience which is inclusive of RNTCP experience. The petitioner was awarded 05 marks for his graduation plus 04 marks of additional marks in graduation plus 02 marks of preferential qualification plus 04 marks of his work experience which become a total 15 marks. A comparison of the marks of the petitioner with the selected candidate, who was

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given 05 marks for graduation plus 36 additional marks for having secured 86.33 % marks in graduation. Thus an aggregate of 41 marks was given to him as per the criteria.

9. Similarly, the aggregate awards given to respondent No.4 have also been justified. The detail whereof has been given in para No. 6 of the written statement as applying the said criteria 28 marks were given to respondent No.4.

10. I do not see any illegality in awarding the marks to the petitioner and private respondents. In any case, the criteria adopted by the respondents No. 1 to 3 in awarding the marks is not under challenge. Even otherwise, the argument of learned counsel for the petitioner, that he has not been given preference for his work experience is not tenable in the face of disclosure of the break up of the marks given to the petitioner, where concededly, he has been given 04 marks for his work experience in preference to the private respondents no. 4 and 5, who have not been given any said benefit. Despite having been given the preference for the work experience, petitioner still could not have better aggregate than the selected candidates.

11. In view of my above discussion and the reasoning contained therein, the present writ petition is dismissed. No order as to costs.

March 12, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No