

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

CWP No.19451 of 2018

Date of Decision: October 14, 2019

Rajesh

...Petitioner

Versus

State of Haryana & others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL**

Present: Mr. Bhupinder Malik, Advocate,  
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,  
for the State.

Mr. Karan Garg, Advocate,  
for respondent No.3.

Mr. Gaurav Mohunta, Advocate,  
for respondent Nos.4 to 6.

Mr. Pankaj Bali, Advocate.

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**AMIT RAWAL, J. (Oral)**

The challenge in the present writ petition is to the selection of respondent Nos.7 and 8 on the post of Restorer to be in violation of the criteria of selection prescribed by the Maharishi Dayanand University, Rohtak.

In pursuance to the advertisement Annexure P-2, Governing Body of Hindu College, Sonapat-respondent No.5 invited applications for filling up various posts including two posts of Rostorer under General Category on regular basis. Petitioner being fully eligible submitted application disclosing holder of a Diploma in Library & Information

Science from Kurukshetra University, Kurukshetra and also 16 (sixteen) years experience as Library Restorer by enclosing the experience certificate dated 09.06.2016 (Annexure P-5).

Mr. Bhupinder Malik, learned counsel representing the petitioner submitted that petitioner was called for interview and out of 96 candidates, only 66 candidates, including the petitioner, appeared for interview on 30.09.2016. However, the respondents did not upload the result on the website nor published in any Newspaper. In such circumstances, petitioner did not come to know about the selection and appointment of respondent Nos.7 and 8. Petitioner, in the month of April, 2018, came to know that the respondents had made appointments but refused to provide any information regarding selection criteria. He contracted an Advocate, who sought information under Right to Information Act and on receipt of the same, it was found that the petitioner despite having 16 years experience has not been awarded any mark for experience and had the same been looked into, he would have secured more marks to the one found meritorious. He referred to the information and the selection criteria to demonstrate that the selected candidates obtained lesser marks than that of the petitioner.

In pursuance to the notice of motion order, respondent Nos.1 and 2 and 4, 5 & 6 filed separate replies. Respondent Nos.7 and 8, i.e., selected candidates have not chosen to contest the writ petition.

Mr. Gaurav Mohunta, learned counsel representing the College relied upon the contents of the written statement by submitting that in the entire selection process, the Selection Committee did not award marks to any of the candidates under the column of "Experience". Writ petition is not

maintainable on the premise that the information given in Para 4 of the writ petition cannot be accepted as the result was uploaded on the notice board of the College and this fact was in the knowledge of the petitioner. There is no explanation of delay of 1½ years as valuable right in favour of the selected candidates accrued and, thus, urges this Court for dismissal of the writ petition.

I have heard the learned counsel for the parties and appraised the paper book.

The selection criteria adopted by the Selection Committee and as well as Para 1 of the preliminary objections of written statement of respondent Nos.4 to 6 are extracted herein below:-

***“CRITERIA ADOPTED ON 13.08.2013 IN HINDU GIRLS COLLEGE, SONEPAT.***

***1. ACADEMIC QUALIFICATION:***

- |                                              |                       |
|----------------------------------------------|-----------------------|
| <i>i) BASIC QUALIFICATION</i>                | <i>: 10 Marks</i>     |
| <i>ii) 10+2</i>                              | <i>: 03 Marks</i>     |
| <i>iii) Graduation</i>                       | <i>: 02 Marks</i>     |
| <i>2. Experience</i>                         | <i>: Max.05 Marks</i> |
| <i>( 1 mark for each year of experience)</i> |                       |
| <i>3. Interview</i>                          | <i>: 15 Marks</i>     |
| <i>Total</i>                                 | <i>=35 Marks</i>      |

***“CRITERIA ADOPTED ON 18.09.2013 IN HINDU GIRLS COLLEGE, SONEPAT.***

***1. ACADEMIC QUALIFICATION:***

- |                                 |                                                |
|---------------------------------|------------------------------------------------|
| <i>i) BASIC QUALIFICATION</i>   | <i>: 20 Marks for 1<sup>st</sup> division)</i> |
|                                 | <i>10 Marks for 2<sup>nd</sup> division)</i>   |
|                                 | <i>05 Marks for 3<sup>rd</sup> division</i>    |
| <i>2. HIGHER QUALIFICATION:</i> | <i>05 Marks</i>                                |
| <i>3. Experience:</i>           | <i>: 05 Marks</i>                              |
|                                 | <i>(1 mark for each year of experience)</i>    |
| <i>4. Interview:</i>            | <i>: 20 Marks</i>                              |

*Total : 50 Marks*

*“CRITERIA ADOPTED ON 01.03.2014 IN HINDU GIRLS COLLEGE, SONEPAT.*

*1. ACADEMIC QUALIFICATION:*

- i) Basic Qualification above 50% : 08 Marks*
- ii) 10+2 : 05 Marks*
- iii) Graduation : 05 Marks*
- iv) B.Lib : 05 Marks*
- v) M.Lib : 05 Marks*
- vi) Computer Diploma : 02 Marks*
- 2. Experience : Max.10 Marks*  
*( 1 mark for each year of experience)*
- 3. Interview : 10 Marks*

*Total =50 Marks*

**Para 1 of the preliminary objections**

*1. That the petitioner by way of filing the present writ has laid challenge to the selection and appointment of respondent No.7 and 8 with a further prayer to quash the selection of respondent No.7 and 8 being arbitrary, illegal and in violation of criteria of selection prescribed by the Maharishi Dayanand University, Rohtak (Annexure P-1). With regard to the selection process, it is submitted that while shortlisting candidates for the post of Restorer, selection criteria was fixed and was duly adopted by respondent No.6 and marks were allotted based upon the qualifications of respective candidates and as such no marks for experience was given to any of the candidate which is also evidence on perusal of Annexure P-7 and Sub-Annexure A-1 of Annexure P-9 and therefore, there is no discrimination in award of marks to the petitioner viz. a viz. other candidates/selected candidates. Hence, the selection criteria fixed by respondent No.6 was uniformly adhered to by respondent Nos.5 & 6 and the selections were made strictly as per criteria set down by respondent No.6. Further, it is*

*pertinent to mention here that upon the information sought by the petitioner with reference to his application dated 11.05.2018 under RTI, he was supplied the said information (Annexure P-7), whereby it is clearly mentioned under serial No.4 that “Marks for experience were not given to any candidate”. Also the same is evident in the same letter under serial No.1 that Sh.Gaurav Jain was having an experience of 2 years and 7 moths from Gyan Ganga Montessori & Model School, New Nandwani Nagar, Sonapat as Clerk but he was not given any marks for experience. Hence, the petitioner's claim that even after having 16 years experience as Library Restorer (Annexure P-5), he was not allotted marks for experience has no legal footing. The complete list of candidates who appeared in the interview held on 30.09.2016 has been annexed as Sub Annexure A-1 under Annexure P-9 which shows that no candidate was awarded marks for experience and hence the petitioner cannot either agitate his claim for non-awarding of marks for experience nor can raise the plea of discrimination and therefore, no question arises as to why the petitioner was ignored and deliberately not awarded any mark for experience.”*

The selection criteria extracted herein below is not in dispute, but on going through Para 1 of the preliminary objections, extracted above, the Selection Committee did not award any marks under the aforementioned column of experience, though Mr.Malik vehemently projected of non-adherence to the criteria mandatorily required to be followed in view of the judgment rendered by the Hon'ble Supreme Court in **Rajesh Kumar Gupta and others Versus State of U.P. And others, 2005(5) SCC 172** and as well as other judgments, is to be rejected for simple reason that the judgment pertained to adoption of different criteria than the one prescribed and notified. There would have been some force had the Selection Committee

adopted pick and choose policy in granting the marks for the experience, but the result attached with the petition as Annexure P-9 shows that none of the candidates was awarded any marks for experience.

There is no specific averment with regard to the declaration of the result on the display board. The writ petition is bereft of any steps taken by the petitioner during 1½ years. In my view, once vested right had accrued, the remedy to the petitioner was to claim some other relief, but not to challenge the selection after having woken up in 2018. Sans merit. Writ petition stands dismissed.

**October 14, 2019**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <b>Whether speaking/reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable:</b>       | <b>Yes/No</b> |