

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

CWP No.25540 of 2017 (O&M)

Date of decision: 18.01.2019

Baljeet Singh

...Petitioner

Versus

Union of India and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Satbir Gill, Advocate,
for the petitioner.

Mr. Rajiv Verma, Advocate,
for respondent No.1.

Mr. Bhuwan Vats, Advocate,
for respondent No.2.

Ritu Bahri, J.

Prayer in this petition is for quashing of the selection list (Annexure P-1). Petitioner is further seeking direction to the respondents to select/appoint him on the post of MTS.

Vide advertisement dated 03.05.2016 (Annexure P-2), applications for filling up various posts, including two posts of MTS, were invited by the respondent-University. Petitioner applied for the said post and was issued an admit card (Annexure P-3). Thereafter, he appeared in the written test conducted by respondent No.2-University and was placed at serial No.51 in the joint result (Annexure P-4). On 28.12.2016, skill test was conducted and result thereof was declared on 23.03.2017 (Annexure P-5). Consequently, list (Annexure P-6) of selected candidates was published, but name of the petitioner was put in the waiting list.

Challenge to the said selection is on the ground that there

should be no interview for the said post keeping in view the memos dated 09.10.2015 and 29.12.2015 (Annexure P-7 Colly.) as a decision has been taken on the subject of discontinuation of interview for various junior level posts in the Government of India. The second ground is that in the written test, petitioner was at serial No.51, whereas respondent No.3, who has been selected, was at serial No.58. Learned counsel for the petitioner has referred to the instructions dated 16.12.2016 (Annexure P-8) for conducting the written test, in which it has been made clear that the candidate, who fails to appear in Paper-I, shall not be allowed to appear in Paper-II/Skill Test. Hence, selection cannot be made on the basis of skill test alone.

Upon notice, reply on behalf of respondent No.2 has been filed by taking a stand that as per the admit card and the result, respondent No.2-University was to conduct two tests on 28.12.2016. The first was a qualifying test, in which, result of 172 candidates were declared and petitioner's name was reflected at serial No.51, whereas the name of selected candidate figured at serial No.58. After evaluating the performance of the applicants in the first test, which was qualifying in nature, as prescribed by the Rules, the respondent-University proceeded to examine the performance of the applicants in Paper-II, which was descriptive in nature and the merit was to be adjudicated on the basis of the performance in the later paper. It is specifically clarified that Paper-II was not a skilled test. It was a descriptive test as per Rule 8 of the Central University of Haryana Cadre Recruitment (Non Teaching Employees) Rules, 2016. After participating in Paper-II, the result was declared on 23.03.2017 and name of the petitioner figured at serial No.2 and the selected candidate (respondent No.3) figured at serial No.1. Accordingly, respondent No.3-Tara Chand Sharma was

offered appointment.

After going through the written statement, this Court is of the view that the petitioner cannot claim any benefit of being at serial No.51 as per result of Paper-I, which was only a qualifying test. In the descriptive test i.e. Paper-II, petitioner was at serial No.2 and the respondent No.3 was at serial No.1. Hence, respondent No.3 has been rightly selected and appointed. Petitioner has not right to claim appointment.

No merits.

Dismissed.

(RITU BAHRI)
JUDGE

18.01.2019
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No