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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-794-2015

Date of Decision: March 19, 2019

Vijender Singh

... Petitioner

vs.

C.C.S.H.A.U, Hisar & ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.Manoj Chahal, Advocate, for the petitioner.

Mr. Sunil Kumar Vashisth, Deputy Advocate General, Haryana.

Mr. Vinod S. Bhardwaj, Advocate, for respondent No.1.

Mr. Babbar Bhan, Advocate, for respondents No. 2, 3 and 5.

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 list dated 25.10.2014 (Annexure P2) for the posts of Clerks qua SC Category.

2. The short controversy, as asserted by the petitioner, is that the respondents have selected respondents No. 2 to 5 for the post of Clerks in S.C.Category in violation of the advertisement No. 1/2012 (Annexure P1). The petitioner states that he had obtained more marks in the written examination and in the typing test, as compared to private respondents No. 3 to 5. Yet, at the time of interview, he was deliberately given lesser marks so as to oust him from the selection.

3. Per contra, the stand taken in the written statement, *inter alia*, is that petitioner cannot challenge the selection process after having unsuccessfully participated in the same. It is only after the petitioner failed to secure his selection, the present writ petition has been filed raising a challenge to the process of selection.

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4. I have gone through the rival pleadings and heard the learned counsel for the respective parties and I am of the opinion that there is no scope for interference in the selection made by respondent No.1.

5. Learned counsel for the petitioner contends that the respondent-University did not disclose the criteria of selection at the time of advertisement. It is for the first time that after the result was declared that selection criteria was disclosed by respondent-University conveying that a written test and typing test was to be followed by an interview of the candidates. Learned counsel for the petitioner fairly concedes that petitioner is not alleging any mala-fide against any of the official of respondent No.1.

6. Per contra, learned counsel for the respondent(s) has drawn my attention to the advertisement, particularly, note 3 thereof which clearly states that if the applications of the candidates, who have applied for the respective posts, are more than 20 times of the number of posts advertised, then the applicants would be short listed and only short listed candidates will be called for written/type-test/interview. He further submits that it was in accordance with the said criteria, which was already duly advertised, that all the candidates were called for written followed by typing test and thereafter, for interview.

7. Learned counsel for the respondent(s) also relies on a Division Bench Judgment rendered by this Court in **CWP-8276 of 2017, titled as Dr. Rajasri Bhattacharyya vs. Central Administrative Tribunal, and others, 2018 (3) S.L.R.388**, the relevant whereof is extracted herein below:-

“The primary question that now arises for consideration in view of the aforementioned factual matrix is as to whether a person, who has participated in the selection process, can challenge the eligibility of the successful candidates and the selection process. The answer in the aforementioned matter has been negated by the judgment rendered by the

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Apex Court in Madras Institute of Development Studies and another Versus K.Sivasubramaniyan & others, (2016) 1 Supreme Court Cases 454, wherein it has been held that where a candidate takes part in the selection process, cannot turn around and question the same very selection process.

In the present case, there was no written test. The rule did not prescribe that the candidates numbering more than thrice cannot be called. The Selection Committee considered the appointment of only 6 candidates, who secured more than 75% marks, which was the condition. The marks awarded by the Selection Committee in the interview were to its satisfaction, which consisted of experts and various other intellectual persons and the Courts shall not re-appreciate the selection process until and unless any glaring illegality or malafides have been attributed, which are conspicuously absent herein.”

8. Relying on the above said judgment, learned counsel for the respondent(s) submits that the petitioner has not alleged any malafide or any other illegality and therefore, the petition is liable to be dismissed on that short ground alone. I am in agreement with the submission of learned counsel for respondent No.1.

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

March 19, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No