

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

CWP-5719-2018

Date of decision: 2.12.2019

Savita

.....Petitioner.

vs.

**Vice Chancellor PT. B.D. Sharma UHS,
Rohtak and others**

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJAY KUMAR

Present:- Mr. Ravinder Hooda, Advocate for the petitioner.

Mr. Nilesh Bhardwaj, Advocate for respondents No. 1 and 2.

Mr. Sankalp Gehlawat, Advocate for
Mr. Saurabh Dalal, Advocate for respondent No. 3.

.....

Sanjay Kumar, J.(ORAL)

The petitioner assails the selection and appointment of the third respondent to the post of Care Taker in Pt. B.D. Sharma University of Health Sciences, Rohtak (hereinafter, 'the University'). Her selection and appointment were effected pursuant to the Advertisement dated 7.11.2016 issued by the University. Insofar as the subject post is concerned, the Advertisement stipulated the following essential qualifications:

- i) Graduation in any discipline from a recognized University;
- ii) Minimum three months certificate course in Computers;
- iii) Two years experience of working after requisite qualification as Care Taker or on equivalent or higher post in a hostel of an Educational institution run/managed by Government/University/Registered Society.

Mr. Ravinder Hooda, learned counsel for the petitioner, would point out that in terms of the merit list, the petitioner was awarded 36 marks for her basic qualification as against 60 marks; 5 marks against 5 marks for her higher qualification; 1 mark against 2 marks for blood donation and 1 mark against 1 mark for NCC/NSS, aggregating to 43 against 80 marks and that she was allotted 6 marks against 20 marks for the interview, while the third respondent secured 32.25 marks against 60 marks for her basic qualification; 5 marks against 5 marks for her higher qualification; 1 mark against 10 marks for experience, aggregating to 38.25 marks out of 80 marks and she secured 12 marks out of 20 marks for her interview. In effect, the third respondent secured 50.25 marks against 100 marks, in total, while the petitioner secured 49 marks only.

Learned counsel would stress upon the fact that the petitioner was not awarded any marks towards experience while the third respondent was granted 1 mark under this head. It is, however, an admitted fact that the petitioner has work experience of 2 years 11 months while the third respondent has experience of over 4 years. The criteria for selection to non-teaching posts in the University stipulate to the effect that a $\frac{1}{2}$ mark would be awarded for each completed year of work experience on the same or equivalent post in any Government Institution/Public Sector Institution etc.

Mr. Nilesh Bhardwaj, learned counsel appearing for the University, would inform this Court that as the essential qualification for the subject post was a minimum of two years work experience, no marks were allotted under the head 'Experience' for the essential 2 years service.

It is on this basis that the learned counsel would justify the award of *nil*

marks to the petitioner and 1 mark to the third respondent. Be it noted that in the event the aforestated criteria is interpreted to the benefit of the petitioner also, she would be entitled to 1 mark for experience of over two years and the third respondent would be entitled to 1 more mark for the service of 2 years, which were excluded while awarding her 1 mark. Therefore, the third respondent would still rank over and above the petitioner in terms of the merit ranking. As this is the only ground urged by the learned counsel representing the petitioner, this Court finds no reason to interfere with the selection and appointment of the third respondent to the post of Care Taker in the University.

The writ petition is therefore devoid of merit and is accordingly dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

2.12.2019

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no