

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5389-2015

Date of decision: 19.02.2020

Brij Bhushan

...Petitioner(s)

V/s.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Ms. Rakhi Sharma, Advocate for
Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. Randhir Singh, Advocate for
State of Haryana.

Mr. Satyam Tandon, Advocate
for respondents No.4, 7, 8, 9 and 10.

Mr. Ashwani Bakshi, Advocate
for respondent No.6.

RITU BAHRI, J. (Oral).

By this petition, the petitioner is seeking quashing of selection made by respondent No. 3 for the post of Junior Coach (Hockey) under advertisement No. 1/2013 dated 08.07.2013 (Annexure P-1).

The petitioner had participated in the selection process of the post of Junior Coach (Hockey) under the general category pursuant to advertisement No. 1/2013 dated 08.07.2013 (Annexure P-1). The educational certificates of the petitioner are attached as Annexure P-2 (Colly) and certificate in Sports Coaching in Hockey issued by Sai Netaji Subhash National Institute of Sports, Patiala is attached as Annexure P-3.

The petitioner was allotted Roll No. 000050. He appeared in the interview

as well. However he was not selected. The petitioner sought information under Right to Information Act, 2005 vide application dated 27.05.2014 (Annexure P-7). In response to application dated 27.05.2014, respondent No. 3 had attached list (Annexure P-9) containing the marks of selected and un-selected candidates who had participated in the selection process for the post of Junior Coach (Hockey).

The grievance of the petitioner is that the selected candidates who were having lesser academic marks, were given higher marks in the interview to enable them to come higher in merits and the candidates like the petitioner who were having higher academic marks were given lesser marks in the interview to make them lower in merit.

On notice of this petition, written statement has been filed by respondent No. 3-Haryana Staff Selection Commission. As per the written statement, petitioner had participated in the selection process of the post of Junior Coach (Hockey) under Role No. 50 and he had secured 40.41 marks (Degree=8.70 marks, Diploma=19.71 marks, higher qualification=2 marks and viva-voce=10 marks) out of total 75 marks under general category. The last candidate selected under the general category has secured 48.30 marks. The marks have been given as per the criteria dated 08.08.2013 (Annexure P-12). It is further stated that the last candidate in the waiting list has secured 43.10 marks. Annexure P-12 is the criteria for awarding marks for qualification, higher qualification and viva voce which is reproduced as under:-

Total Marks: 75

- | | |
|--------------------------------------|----------|
| 1. Essential Qualifications; | 45-Marks |
| i) Graduate or its equivalent from a | 15-Marks |

recognized University 0.15 of the percentage of marks obtained.

- ii) Diploma in Coaching of the 30-Marks
concerned games from National Institute of Sports/Sports Authority of India with certificate of participation in Asian Games, Commonwealth games or World Championships (Senior) in the relevant games.
0.30 of the percentage of marks obtained.

2. Higher Qualifications; 05-Marks
i) Post Graduation 02 Marks
ii) Ph.D. 05 Marks

NOTE:- The candidate will be given marks only under one clause which is more beneficial to him/her.

3. Viva Voce: 25-Marks
To assess the knowledge of subject, communication skill, general knowledge, general awareness and intelligence.”

The Commission had awarded marks to the petitioner as per the above said criteria. Written statement was filed on 03.09.2015. No replication has been filed by the petitioner to show that marks have been wrongly awarded as per the criteria. Moreover the ground that more marks have been given to some candidates in interview, cannot be made basis as the petitioner had participated in the selection process and he cannot raise this argument with respect to the competence of selection agency in awarding marks for interview. In the criteria, there is no provision for awarding marks for experience and petitioner had been rightly not given any marks for experience. Further as per the judgment passed by this Court in

CWP-16023-1998 titled as Devki Nandan V/s. State of Haryana 2002(1)

S.C.T. 451, that after participating in the selection process, if the result of interview is not suitable to a candidate, he cannot turn around and subsequently contend that there is some lacuna in the selection process. Since the petitioner had secured lesser marks than the last selected candidate under the general category, no ground to interfere in the selection process is made out.

Dismissed.

(RITU BAHRI)
JUDGE

19.02.2020
Divyanshi

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