

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

**CWP No. 845 of 2015 (O&M)
Date of Decision: 15.01.2020**

Gaurav Singla

.....Petitioner

Versus

Punjab Pollution Control Board and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Ms. Reeta Kohli, Sr. Advocate with
Mr. Rahul K. Sharma, Advocate for respondent No.1.

Mr. Anshul Sharma, Advocate with
Mr. V.M. Mittal, Advocate for respondent No.2.

Mr. Mukund Gupta, Advocate for respondents No.3 to 7.

TEJINDER SINGH DHINDSA J.(Oral)

The Punjab Pollution Control Board issued an advertisement in the year 2014 inviting applications for filling up of various posts including 14 posts of Assistant Environmental Engineers. Five posts were to be filled up from the General Category candidates.

Pleadings on record would indicate that petitioner who belongs to the General Category had applied for the post in question. The mode of selection was as per merit to be determined on the basis of a written test. Written test in turn was to have multiple choice questions and with negative marking i.e. 1/4 mark to be deducted for every wrong answer.

Instant writ petition was filed in the year 2015 seeking quashing of the result declared by the respondent-Board in relation to the post of Assistant Environmental Engineer. Further prayer was for re-computing the result of the written examination.

Learned counsel for the petitioner has very vehemently argued

that the answer key to six questions was not appropriate and since the petitioner as per merit was at serial number 6, in the eventuality of the result being re-assessed there was every possibility of petitioner falling within the zone of appointment.

Per contra learned counsel for the respondent-Board contended that there would be no scope for interference as the Board had assigned the work of setting up the question paper as also for preparation of the result at the hands of the expert agency i.e. **The Thapar University, Patiala** and since the matter has been dealt with by the experts, this court ought not to substitute its own opinion in the matter.

Having heard counsel for the parties at length, this court is of the considered view that no interference is warranted.

It may be taken note that the instant petition had come up for preliminary hearing on 19.01.2015 and while issuing notice of motion it had been observed that in case the appointments have not been made, the same be not finalized till the next date of hearing. Subsequently, miscellaneous application bearing No.CM-1948 of 2015 was preferred by the respondent-Punjab Pollution Control Board, contending that there is shortage of technical and clerical staff and as such liberty be granted to the Board to make appointments pursuant to the advertisement at Annexure P-1 as also the result that had already been declared. Such application after issuing notice to counsel opposite was dealt with in terms of order dated 20.03.2015 and the respondent-Board was granted liberty to make appointments without prejudice to the contentions that may be raised by either party.

Court has been apprised that pursuance to such liberty having been granted, appointment letters were issued as per result declared

immediately thereafter i.e. in the months of April and May 2015.

The uncontroverted factual premise is that the 14 posts of Assistant Environmental Engineers advertised in the year 2014 have since been filled up and the candidates selected have joined nearly five years back. Mr. Mahajan, learned counsel for the petitioner, has very candidly conceded that after filing of the instant writ petition, petitioner has secured employment under the Indian Railways and has joined the Indian Railways Scores Service on the basis of an Engineering Service Examination (ESC-2016) and has been serving as such since the year 2017. Under such circumstances, this Court does not find it prudent to interfere in a selection process which stands finalized in the months of March/April 2015.

Another factor that has weighed with this Court in declining the prayers made in the instant petition is that in the reply filed on behalf of respondent No.2-University, a categorical stand has been taken that the answers in relation to the questions which were disputed by the petitioner have been examined and it has been found that the answer options are correct and to the satisfaction of the subject experts. The primary ground raised in the instant petition in support of the prayer for recomputing the result was that the answer options pertaining to six questions were not correctly framed. Since the subject experts had given a view as regards correctness of the answer options, this Court would be reluctant to interfere in such a matter.

In an overview of the matter no interference is warranted.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

January 15, 2020

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