

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 13361-2014

Date of decision:-07.02.2020

Anchal Bhatia

.....Petitioner

vs.

State of Haryana and ors.

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Rahul Gautam, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G. Haryana

Mr R.K. Malik, Sr. Advocate with
Mr. Ramandeep Singh, Advocate
for respondent Nos. 3 to 9, 11 to 14

RITU BAHRI, J.(Oral)

Petitioner is seeking quashing of impugned selection list (P-6),
selection criteria (P-8) and the result dated 16.06.2014 (P-5).

Pursuant to advertisement dated 06.12.2011, the petitioner
applied against the post of Accounts Clerk. The petitioner was issued
interview card. The final result was declared on 16.06.2014.

The cut-off marks in general category were 48.41 marks and the
marks obtained by the last candidate in the waiting list were 45.60. The
petitioner was not selected.

The grievance of the petitioner is that she has secured highest
marks in academics compared to the selected marks but she was awarded 10
marks in her viva voce. Thus, she is challenging the criteria being arbitrary,
as 25 marks assigned for viva voce is excessive.

It is not in dispute that the final result was declared on

16.06.2014 and the selected candidates have already been joined. The petitioner has no information whether any post is still lying vacant.

Once the petitioner has participated in the selection process, thereafter, she cannot challenge the selection process, in view of judgment of this Court in a case of *Varun Vir vs. UHBVNL and others, passed in CWP No. 10141-2008, decided on 04.03.2010.*

Reference at this stage can further be made to a judgment of Hon'ble the Supreme Court of India in a case of *Chander Parkash Tiwari vs. Shakuntla Shukla, 2002 (3) RSJ 507 and the judgment of this Court in a case of Devki Nandan Sharma vs. State of Haryana and others, 2002 (1) RSJ 64* wherein it has been held that if a candidate appears at the interview and participate therein then only because the result of the interview is not palatable to him, he cannot turn around and subsequently contend that the process of interview was unfair or there was some lacuna in the process.

In view of the above, the present writ petition is dismissed.

07.02.2020
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No