

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

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LPA No.763 of 2021

Pooja Sachdeva and another

... Appellants

Versus

Haryana Vidhan Sabha and others

... Respondents

(2)

LPA No.767 of 2021

Gurpreet Singh

... Appellant

Versus

Haryana Vidhan Sabha and others

... Respondents

Decided on : 14.12.2021

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr. Kuldeep Singh, Advocate for the appellant (s).

Ms. Palika Monga, DAG, Haryana.

(The proceedings are being conducted through video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

Challenge in the present two letters patent appeals i.e. LPA Nos.763 & 767 of 2021, is to the decision of the learned Single Judge dated 19.05.2020 passed in two writ petitions i.e. **CWP No.14218 of 2014 'Pooja Sachdeva and another Vs. Haryana Vidhan Sabha and others'**, and **CWP No.25829 of 2014 'Gurpreet Singh Vs. Haryana Vidhan Sabha and others'**, whereby the aforesaid writ petitions were dismissed. It is pertinent to notice that another writ petition bearing **CWP No.16862 of 2014 'Priyanka Vs. Haryana Vidhan Sabha and others'** was also dismissed, though no appeal has been filed in the said matter till this stage.

2. Counsel for the appellants has reiterated the arguments which were raised before the learned Single Judge, which are mainly of *mala fide* as such on the ground that the selection was biased and the candidates belonged to the Constituencies of the Speakers and, therefore, the interview marks had been wrongly awarded to the selected persons. Thus, the said persons are stated to have made the grade, whereas the writ petitioners were also aspirant candidates and had been wrongly left out.

3. Counsel for the State on the other hand has justified the judgment of the learned Single Judge on the ground that the record of the selection process was produced before the learned Single Judge and was perused in detail. It is submitted that there is no illegality or irregularity which can be borne out and could have been demonstrated before the learned Single Judge also, which has led to the selection process being not interfered with.

4. After hearing counsels for the parties, we are of the opinion that there is no occasion as such to take a different view than what has been taken by the learned Single Judge.

5. The advertisement in question is dated 16.04.2013 (Annexure R-3), wherein 12 posts of Clerk were advertised. In the advertisement itself, it was specifically mentioned that they were likely to be increased or decreased. The applicants as such were supposed to fill up the proforma showing their educational qualifications and the experience, if any, speed in typewriting and

the fact if they belong to a reserved category. The attested copy of the certificates etc. were to be attached alongwith the application and the incomplete application was to be rejected summarily. The eligibility as such had to be ensured by the candidate for the post for which he was applying.

6. It is not disputed that the candidates as such selected have the necessary qualification. Against 2636 candidates who were called for interview, vide various letters between 05.02.2014 to 08.02.2014, 27 candidates were initially selected. Out of 27 persons who have been selected, 22 persons selected, were already working on 89 days basis and most of them were only graduates and undergraduates.

7. The State had defended the additional number of persons appointed on the ground that there are 19 regular posts and 8 persons were appointed against the posts/vacancies which were caused by the employees, who had gone on deputation to other departments/organizations, as also against the posts/vacancies caused due to promotions made to higher posts, which were not regular. It is also clarified that services of the 8 persons were liable to be terminated as and when the said employees joined the Secretariat or when such persons are liable to be reverted. Details of 8 persons who were appointed against those vacancies were also given. It was further mentioned that services of the 8 employees had been terminated on 01.04.2015 (Annexure R-2).

8. A perusal of the same would go on to show that the termination was on account of the fact that the persons appointed were against the posts which were not regular and was an *ad hoc* arrangement. Therefore, posts having not existed their services were no more required and in pursuance of the same, the said persons had been terminated.

9. The learned Single Judge had perused the record as such and has rightly noticed that 11 Committees had been formed for the purpose of the recruitment. The Selection Committee constituting of two members/persons had awarded marks in the interview to all the candidates who have appeared. The signatures as such had been put by the candidates on the attendance sheet and the candidate who did not appear, the column of putting signature was blank. The clubbing of the marks was tabulated in a separate file, which was done on 03.03.2014, after the interview process was over on 08.02.2014. The result was then prepared.

10. A chart as such was also prepared by the learned Single Judge, regarding the marks awarded to the 27 candidates and the first 20 candidates had obtained more marks in the interview process. The merit list as such prepared showed that the candidate who was at Sr. No.1, had obtained 40 marks out of 50, whereas the candidate at the bottom of the list at Sr. No.27 had obtained 25 marks out of 50.

11. In such circumstances, the argument which has been

raised as such by the counsel for the appellants that the selected candidates were favoured as they belonged to the constituencies of Speaker and former Speakers, was without any basis. None of the selected candidates was related to the Speaker(s) and there was no personal bias or *mala fide* against the members of the Selection Committee, who had awarded individual marks to each candidate out of 25 marks. Therefore, total marks had been assessed after clubbing the marks awarded by both the members of the Selection Committee. Thus, it is apparent that once the 2636 candidates had appeared before separate Selection Committees consisting of 22 different persons, no grievance as such can be raised that certain successful candidates belonged to the Constituencies of Former Speakers.

12. It is also to be noticed that when the advertisement was issued in the year 2013 and the interviews were conducted in the year 2014, Dr. Raghubir Kadiyan was not the Speaker at that point of time and the respondents No.5, 8, 12, 18 and 27 who were belonging to Beri Constituency could not be said to be favoured and, thus, it cannot be said that the selection process was biased in any manner. Similarly, merely because respondents No.11, 20 and 21, were belonging to Constituency of Pehowa, which was the Constituency of Mr. Harmohinder Singh Chattha, who also was not the Speaker when the process of selection was started and neither he was related to the selected candidates, the learned Single Judge has rightly come

to the conclusion that there is no irregularity in the selection process, while relying upon the judgment of the Apex Court passed in '**Ashok Kumar Yadav Vs. State of Haryana**', 1993 (4) RSJ 73 and '**Ranjan Kumar Vs. State of Bihar and others**', 2014 (3) SCT 620.

13. It has also come on record that some of the persons who were earlier working on *ad hoc* basis have been selected and, therefore, it was within the ambit of the Committees as such to select the best talent from the swarm of applicants, who had applied.

14. The writ petitioners having participated as such in the selection process and having failed to make the cut, as such cannot be permitted now to challenge the selection process, on the ground that the same was illegal, biased or arbitrary.

15. Resultantly, this Court is of the opinion that there is no error or illegality in the well reasoned order of the learned Single Judge, who had scanned the record of the selection process and no case as such is made out for interference in the impugned order. Both the appeals are, accordingly, dismissed.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

December 14, 2021

Naveen

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No