

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

CWP-12908-2021

Date of Decision : July 16, 2021

Sanjiv Kumar

.. Petitioner

Versus

Deputy Commissioner, Rohtak and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anurag Goyal, Advocate, for the petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Present writ petition has been filed challenging the order dated 15.03.2021 (Annexure P-9) passed by learned District Judge, exercising the powers of the Educational Tribunal, Rohtak, by which the prayer of the petitioner for setting aside the selection of respondent No.4 as a Principal has not been accepted and the petition filed by the petitioner has been dismissed.

The facts stated in the petition are that respondent No.3 issued an advertisement on 25.01.2017 inviting applications for the post of Principal and more than 100 applications were received in pursuance to the said advertisement. Out of 100 candidates who had applied for, 15 candidates including the petitioner were short-listed to be called for interview but ultimately, the petitioner could not be selected and respondent No.4 was selected as Principal. Aggrieved against the selection of

respondent No.4 as Principal, the petitioner approached the Educational Tribunal challenging the said appointment. The contentions raised by the petitioner before the Educational Tribunal, were that the selection criteria framed by the Selection Committee was not informed to the candidates through the advertisement or prior to the date of selection and the criteria fixed by the Selection Committee, wherein a candidate having the Phd degree was granted 10 marks for the same, was arbitrary and had no nexus with the object sought to be achieved and the petitioner, who was undergoing Phd, in any case, should have been granted 10 marks. Another plea before the Educational Tribunal raised by the petitioner was that the Selection Committee was not in consonance with the rules governing the service.

The Educational Tribunal, after considering all the pleas, came to the conclusion that the grievances raised by the petitioner are not correct and nothing material has been pointed out by the petitioner so as to vitiate the selection process so as to call for interference by this Court and rejected the petition vide order dated 15.03.2021 (Annexure P-9), which order is under challenge in the present petition.

Learned counsel for the petitioner has argued that according to Rule 25.2 (a) of the CBSE Affiliation Bye-Laws, the Selection Committee has to have five members, which were missing in the Selection Committee which selected respondent No.4 and therefore, the selection and appointment of respondent No.4 is bad. This issue has already been dealt with by the Educational Tribunal in the impugned order dated 15.03.2021 (Annexure P-9) wherein, it has been mentioned that the Selection Committee which was constituted for making the selection comprised of the

Deputy Commissioner of the District, a member of the Managing Committee, a member of Governing Body, a psychologist and educationist. All the candidates have been evaluated by the said Selection Committee and the composition of the Selection Committee is not such that the same is contrary in any manner to the Selection Committee prescribed hence, no grievance can be raised by the petitioner.

Learned counsel for the petitioner has not been able to point out the prejudice which the petitioner has suffered in the constitution of the Selection Committee as the petitioner himself had appeared before the said Selection Committee and did not raise any objection during his own interview till, respondent No.4 was selected. If the petitioner had any grievance with regard to the constitution of the Selection Committee, he should have approached the authorities by raising grievance immediately upon being interviewed but the petitioner waited till the outcome of the selection process. Therefore, the grievance of the petitioner being raised before this Court is totally an after thought as the petitioner took chance and only raised his grievance upon finding that he has not been selected.

The further grievance which is being raised by learned counsel for the petitioner is that the marks for the Phd could not have been given while framing the selection criteria. The posts for which the selection were being made, is of principal. The Managing Committee which has to run the school, in its wisdom declared that a learned person having high qualification should be appointed on the said post, which decision cannot be faulted with. It is not that the petitioner has been debarred for competing for the said post. Only the criteria was fixed that while awarding marks to the candidates for the selection and a candidate having a Phd degree was

given 10 marks. Nothing incriminating can be found in the said criteria rather the same envisage that a candidate with good academic background be appointed as a Principal of the school.

The contention that the petitioner was not given 10 marks, is totally misplaced as admittedly the petitioner did not had a Phd degree to his credit at the relevant time as the petitioner was still undergoing the said course.

No further argument has been raised.

Keeping in view the totality of the circumstances, no interference is called for by this Court in the order dated 15.03.2021 (Annexure P-9) passed by the Educational Tribunal by which the prayer of the petitioner for setting aside the appointment of respondent No.4 has been declined.

Accordingly, the present writ petition is dismissed.

July 16, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No