

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

CWP-2166-2019 (O&M)

Date of decision : April 26, 2022

Jaiveer Singh

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Brijesh Kumar, Advocate for the petitioner.

Mr. Sandeep Singh Mann, Addl.AG, Haryana.

LISA GILL, J.

Petitioner being aggrieved of not being reflected in final list dated 16.10.2018 of empanelled Guest Faculty in Government Societies Polytechnic, has filed this writ petition challenging the said list.

It is submitted that number of posts of Guest faculty in various Government Polytechnic Colleges in the State of Haryana were advertised in August 2018. Petitioner applied for the post of English Guest Faculty, Government Polytechnic College, Jhajjar on 24.08.2018 and for English Guest Faculty at Government Polytechnic College, Jamalpur Shekhon, Tohana, Fatehabad on 30.08.2018. Learned counsel submits that petitioner was fully eligible and qualified as per the advertisement and applicable Rules. Petitioner was called for interview at Panchkula on 09.10.2018. Petitioner is stated to have come from Assam especially for interview, which according to him went very well. It is averred that after interview as the petitioner was proceeding to the bus

stop, the panelists who took the interview called him back at about 12.39 noon from a mobile phone. Petitioner, it is stated, was asked to write an essay and before he could even finish writing the same, they started interrupting him, due to which a haphazardly written essay had to be submitted. Learned counsel submits that petitioner was the only candidate, who was asked to write an essay after the interview was over. Final list was declared on 16.10.2018. However, petitioner was declared 'Not found suitable' despite having the highest marks on account of academic qualification and experience. It is submitted that selection, in this case, was to be made on the basis of criteria as envisaged in memo dated 20.09.2018 and essay writing does not form part thereof. Learned counsel argues that it is not understandable how petitioner has been adjudged 'Not Suitable' and why no marks have been given for the interview. It is, thus, prayed that this writ petition be allowed.

Stand of the respondents as reflected in the written statement filed on behalf of respondents No. 1 and 2 is that petitioner during the interview conducted on 09.10.2018 verbally expressed before the Committee members that he had been teaching the subject of Hindi for last many months and expressed his inability to teach communications skill (English) immediately and petitioner demanded more time for preparation to teach the subject of English. It is stated that on account of this inability expressed before the Committee, petitioner was then asked to pen down an essay to further evaluate the petitioner. It is in this situation that petitioner was not found suitable for appointment for Guest Faculty in the discipline of English. A copy of essay penned down by petitioner has been attached as Annexure R1, which is reproduced as under:-

“1. Dear Children, I would tell the Importance of the Independence Day.

2. Independence day is the most important day for every Indians.
3. Our country get the freedom from British rule on 15th August 1947.
4. Many Indian freedom fighter sacrifice there-self for our country.
5. Then we get freedom. Freedom fighter is the main role of free our freedom fighters country's freedom.
6. Mahatma Gandhi, Jawahar Lal Nehru, Subhash Chander Bose, Bhagat Singh is famous freedom fighter.
7. These famous freedom fighter's our country India famous.

-SD-
Jaiveer Singh
09.10.2018"

Recommendation of the Committee has been attached as Annxeure R2, wherein it is stated that petitioner had expressed his inability to teach communication skills before the Committee while stating that he was teaching the subject of Hindi for last many months and he demanded more time for preparation to teach the subject of English.

It is relevant to note at this stage that there is no replication to the written statement filed on behalf of the respondents. It has not even been urged before this Court that any of the facts, as stated in the written statement, are incorrect. It is a matter of record that petitioner had submitted his application for appointment to the post of Guest Faculty (English). In the given factual matrix, once the petitioner himself admitted that he had been teaching the subject of Hindi for the last many months and sought more time for preparation to teach the subject of English, an opportunity to write down an essay was in fact a concession given by the Selection Committee. Therefore, there is no merit in the argument that once petitioner had secured highest marks insofar as academic qualification and experience are concerned, he could not be adjudged 'non-suitable' for the

post of Guest Faculty (English). Clear cut and cogent reasons have been set forth for the conclusion drawn by the Selection Committee. Learned counsel for the petitioner is unable to point out any illegality or infirmity therein.

No other argument has been addressed.

Writ petition being devoid of merit is dismissed with no order as to costs.

April 26, 2022
rts

(LISA GILL)
JUDGE

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