

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

**CWP-10277-2015 (O&M)
Date of Decision: 01.09.2022**

Rajesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sourabh Goel, Advocate and
Ms. Samridhi Jain, Advocate,
for the petitioner.

Mr. Pankaj Middha, Addl. A.G., Haryana.

Ms. Neha Awasthi, Advocate
for respondents No.2 and 3.

Mr. Birinder Singh Khehar, Advocate
for respondents No.4 to 7.

ARUN MONGA, J. (Oral)

Petition herein, *inter alia*, is for issuance of a writ, in the nature of mandamus directing respondent No.2 to consider the case of the petitioner for appointment to the post of Labour Officer-cum-Conciliation Officer.

2. Succinct facts first. Haryana Public Service Commission invited applications for the post of Labour Officer-cum-Conciliation Officer in Labour Department, Haryana. Having participated in the selection process, petitioner was called for interview. He appeared before the interview committee on 19.06.2014. Final result of the selection was declared on 17.07.2014. The petitioner scored 49 marks, whereas, respondent Nos.4 to 6 scored 55, 55 and 54 marks, respectively. Thereafter, petitioner submitted a representation dated 03.11.2014 (Annexure P-12). Vide impugned order dated 23.12.2014 (Annexure P-14), his representation was rejected. Hence, the writ petition.

3. Learned counsel for the petitioner contends that respondents have not considered the Masters degree (LL.M.) possessed by the petitioner and also not considered his participation in co-curricular activities while assessing the merits.

4. Learned State counsel has canvassed arguments on the similar lines as the stand taken in the written statement.

5. I have heard learned counsel for the parties and gone through the case file.

6. Substantially, the ground of challenge of private respondents No.4 to 7 is based on the criteria (Annexure P-10), vide which the Commission had allocated 05 marks for post graduate degree in the relevant subject. Petitioner claims that he being LL.M., he ought to have been given additional 05 marks. Had the benefit thereof been given, he would have then scored equivalent marks as those of the last selected candidate i.e. 54 marks.

7. No doubt, the petitioner has been awarded 49 marks and, if his contention qua additional marks for LL.M. is accepted, he would also make the cut as his aggregate marks would then become 54. However, unfortunately even then he would not be successful, as the last selected candidate who has been given the appointment, being elder to the petitioner would still steal a march over him. Trite to say that, it is general service jurisprudence, which is time tested, that in the event of a tie between two candidates, the one who is younger in age, has to make way for the elder.

7. Being so, no grounds to interfere are made out.

8. Dismissed.

01.09.2022

ps-I

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No