

Sudesh Davi

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. S.K. Daaria, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. Ram Kumar Saini, Advocate for respondent No.5.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of Certiorari for setting aside the selection of respondent No.5 on the post of Anganwadi Worker at Village Samana, District Rohtak in view of impugned letter dated 06.04.2017 (Annexure P-3).

2. Plead case is that petitioner applied for the post of Anganwadi Worker against the vacant post at Village Samana under General Category, which was advertised on 27.07.2016 (Annexure P-1). Petitioner appeared for interview on 23.08.2016 along with all relevant documents. Petitioner claims to be more meritorious than respondent No.5, who was appointed on the post in question as against the petitioner.

3. Learned counsel for the petitioner argues that action of the respondents in not appointing the petitioner on the post in question is patently discriminatory and illegal.

4. Learned State counsel opposes the prayer made in the petition and submits that petitioner was given 45 marks as per Departmental guidelines in the

selection list for having secured 44% marks in 10th class and being a widow, petitioner was awarded additional 15 marks, making her total as 60 marks. On the other hand, respondent No.5 was granted 60 marks in the selection list for her having secured 67% marks in 10th class and after adding her interview marks, respondent No.5 secured more marks than the petitioner. Therefore, respondent No.5 was selected for the post in question.

4. I have heard rival contentions of learned counsel for the parties and perused the record.

5. Concededly, petitioner having remained unsuccessful after obtaining lesser marks than respondent No.5, who has been appointed as Anganwadi Worker, is before this Court challenging *inter se* performance. Trite it is to say, this Court is not to superimpose its own view over that of the interviewers, who after interviewing both the candidates have awarded lesser marks to the petitioner vis-à-vis private-respondent No.5. To claim that since petitioner had more marks in the pre interview criteria and therefore, ought to have been given higher marks in the interview, would lead to erroneous consequences, inasmuch as, performance in the interview is as much important as pre interview criteria.

6. In the premise, no grounds for interference are made out.

7. Dismissed.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 07, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No