

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

209a

CWP-22310-2015

Date of decision : 29.04.2022.

Harjinder Singh and another

... Petitioners

Versus

Administrator, Municipal Council, Faridkot and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Tajinder Pal Singh Makkar, Advocate for the petitioner.

Mr. Joginder Sharma, Advocate for respondents No.1 to 3.

Mr. Gagneshwar Walia, Advocate for respondents No.4 to 19.

Anupinder Singh Grewal, J. (Oral)

The petitioners have challenged the selection and appointment of the private respondents on the posts of Fireman against an advertisement issued by the respondents.

Learned counsel for the petitioner contends that although the petitioners are more qualified than the private respondents as petitioner No.1 had obtained qualification of BA, B.Ed. and petitioner No.2 was possessing the matriculation certificate along with two years Diploma in Art and Craft and holds an NCC certificate of Directorate, they have not been appointed to the post of Fireman. Petitioner No.1 was given only 7 out of 30 marks in the interview while petitioner No.2 was not called for the interview. The private respondents, who have lesser qualifications than the petitioners, had been awarded more marks in the interview which led to their selection. He also contends that the entire process of physical test had not been properly

videographed. Respondent No.12 did not even meet the physical standards set out in the criteria prescribed in the advertisement but he was selected as he is the son of a Fire Station Officer.

Learned counsel for respondents No.1 to 4, however, submits that the appointment to the post of Fireman is on contract basis and on 07.10.2014, appointment letters were issued. The petitioners thereafter preferred the present writ petition after one year on 14.10.2015. Petitioner No.1 had obtained lesser marks in the interview than the selected candidates and petitioner No.2 could not clear the physical test, thus, was not called for interview. Petitioner No.1 had been interviewed along with other candidates but he had been awarded lesser marks on the basis of his performance in the interview. He also submits that the allegations against selection of respondent No.12 are vague as his father, who is stated to be a Fire Station Officer, did not participate in the selection process at any stage.

Heard.

The primary basis of challenge to the selection of the private respondents is that the petitioners were more qualified than the private respondents but one of them has been awarded less marks in the interview while the another has not been called for the interview. The appointment is for the post of Fireman for which the essential qualification was matriculation and the candidates had to meet stringent physical conditions. The allegations that respondent No.12 had been selected on account of his father being a Fire Station Officer have not been substantiated by any cogent material as it is stated in the written statement that the father of respondent No.12 did not participate in the selection process at any stage, therefore, these bald

allegations cannot be accepted in this writ petition which has been preferred after completion of one year of the selection process. The petitioners may be more qualified having a degree of B.A., B.Ed. but the selection is for the post of Fireman wherein the essential qualification is matriculation. It is not necessary that a candidate, who possesses a higher qualification than the minimum qualification would be awarded more marks in the interview. The suitability of a candidate for a particular post has to be assessed at the time of interview. From the perusal of the material on record, I do not find any infirmity in the selection process.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

April 29, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No