

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

231

CWP-20336-2018

Date of decision : 19.05.2022

Suman Bala

... Petitioner

Versus

State of Haryana & others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. R.N. Lohan, Advocate for the petitioner.

Dr. Kapil Bansal, DAG, Haryana.

Mr. Ajay Kumar Gupta, Advocate for respondent No.3.

Mr. Sachin Sharma, Advocate for

Mr. Rakesh Gupta, Advocate for respondents No.5 and 6.

Anupinder Singh Grewal, J. (Oral)

The petitioner has impugned the order dated 13.07.2018 (Annexure P-5) passed by respondent No.4 and letters dated 31.05.2018 and 07.08.2003 (Annexures P-4 & P-3) respectively passed by respondent No.2 whereby the petitioner has been declined appointment to the post of Librarian. She has further sought a direction to the respondents to appoint her on the post of Librarian.

Learned counsel for the petitioner submits that the petitioner, who was duly selected/recommended by the selection committee and was at serial No.1 in the selection list for the post of Librarian, has been arbitrarily declined appointment on the ground that a minimum of three candidates should have been interviewed against one post although four candidates including the petitioner had been called for the interview but the three other candidates did not appear for the same.

Learned counsel for respondents, however, submits that the petitioner was called for the interview along with three other candidates but they have not appeared and in terms of the communication sent by the Director General Higher Education, Haryana (respondent No.2) dated 31.05.2018 (Annexure P-4), there should be a minimum of three candidates, who were interviewed against one post, for the selection to be valid.

Heard.

The petitioner is stated to have applied for the post of Librarian in pursuance to the advertisement issued by respondent No.5/College on 05.06.2017. Four candidates including the petitioner are stated to have applied for the post of Librarian and were called for the interview on 27.11.2017 but other three candidates did not appear in the interview. Although the petitioner appeared in the interview and was duly recommended for the post of Librarian by the selection committee but the appointment has not been offered to her on the purported ground that she was the only candidate who appeared in the interview. On a query of this Court as to whether there are any rules/executive instructions/guidelines which stipulates that a minimum of three candidates should be present for the interview against one post, learned counsel for the respondents has not been able to point out to any such rules/instructions. The communication which has been sent by the Director General Higher Education, Haryana dated 31.05.2018 (Annexure P-4) for having a minimum of three candidates for interview against one post cannot come in the way of appointment to the petitioner who has been duly recommended by the selection committee. It is not the case of the respondents that the petitioner was in any manner not qualified for the post of Librarian against three other candidates who had also applied in response to the advertisement against one post but

ultimately it was the petitioner who had been selected/recommended by the selection committee.

In view of the above, the action of the respondents in denying the appointment to petitioner to the post of Librarian despite the recommendation of the selection committee is unsustainable. Consequently, the petition is allowed and the impugned letters/orders dated 13.07.2018 and 31.05.2018 (Annexures P-5 and P-4) respectively are set aside. Respondents No.2 and 4 are directed to appoint the petitioner to the post of Librarian within a period of one month from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

May 19, 2022
sonia gugnani

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