

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

CWP-7190-2017 (O&M)

Date of decision: March 31, 2022

Ruchika

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jayoti Parshad Sharma, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petitioner having remained unsuccessful after participating in the selection process for appointment on the post of Physiotherapist with respondent No.3 (Saheed Hasan Khan Mewati Government Medical College, Nalhar, District Mewat), is before this Court challenging *inter alia* non-awarding of marks *qua* her work experience as well as for having higher qualification over and above the requisite qualification as per the selection criteria contained at Annexure P-6. Petitioner has also challenged the selection of private-respondents No.4 & 5 alleging that they have been wrongly awarded the marks for their experience as well as higher qualification.

2. Learned counsel for the petitioner submits that respondent No.2 had invited applications for the various posts, including the post of Physiotherapist, for the Saheed Hasan Khan Mewati Government Medical College, Nalhar, District Mewat, for which the last date of submission of applications was 07.10.2011. In the year 2013, respondent No.2 issued a

public notice informing that the interview for the post of Physiotherapist scheduled to be held on 20.03.2012 has been postponed and it has been decided to fill up the said post on regular basis. The last date of submission of application was 03.10.2013. Petitioner being fully eligible applied for the said post. On 06.12.2015, pre-merit list was prepared and the written test was held and thereafter, interview was held on 30/31.03.2016. Upon inviting of objections, petitioner submitted her objections stating that her experience of Multi-Specialty Hospital having 100 beds has wrongly been treated as Private Clinic, whereas she had requested to count her experience over and above the Clinic/ Dispensary/ Nursing home. He submits that respondent No.2 without considering and deciding the objections raised by the petitioner, declared the final result on 03.06.2016 and selected respondents No.4 and 5, whereas, petitioner has been placed at Sr. No.15 in the said list. He further submits that respondents No.4 and 5 have not even worked in any multispecialty hospital, and yet they have been given more marks for experience than the petitioner. Petitioner has not even been awarded any marks towards her higher qualifications. Hence, the present petition.

3. On the other hand, learned State counsel opposes the prayer of the petitioner and submits that petitioner had only 2 years 8 months and 10 days of experience in Sri Sukhmani Multi Specialist, Hospital, Derabassi, whereas, selected candidates, i.e. respondent No.4 has experience of Gold Field Institute of Medical Sciences Research (CHHANIYSA) Ballabhgarh from 13.04.2009 to 15.07.2010 and B.K. Hospital, Faridabad on 01.09.2010 till on the date of submission of application. Likewise, other selected candidate, respondent No.5 has experience of Shaheed Hasan Khan Mewati,

Govt. Medical College, Nalhar, Mewat, GMC, Nalhar, Mewat w.e.f. 01.06.2012 till the date of submission of application. He also submits that in the pre-merit marks, petitioner got only 22.89 marks whereas, respondent No.4 & 5 got 36.17 and 31.71 marks respectively. In the written examination, respondents No.4 & 5 got 25.16 and 26.86 marks respectively, as against petitioner securing 21.08. He also submits that representation/ objection submitted by the petitioner was considered and after that, final result in accordance with merit list was declared. According to the same, respondent Nos.4 and 5 got 70.33 and 67.57 marks, respectively, whereas, petitioner secured only 52.97 marks and was accordingly, placed at Sr. No.15 in the merit list.

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

5. Having heard the arguments, I am of the opinion that assuming the petitioner were to be awarded the marks towards her experience, for the sake of arguments, on the higher side would be 8 and likewise, for her graduation, the same would be another 2 marks, thus, making aggregate to be 62.97 ($52.97 + 8 + 2$) as against 70.33 awarded to respondent No.4 and 67.57 to respondent No.5. A bare perusal thereof would reveal that even if the self-acclaimed marks of the petitioner are re-determined as per her own calculation, she still is way below the marks of the others competing candidates, i.e. respondents No.4 & 5 who have been selected. The other argument of the learned counsel for the petitioner that the marks have wrongly been determined in support of experience as well as higher qualification *qua* respondents No.4 & 5 is not sustainable and it is not for this

Court to substitute its opinion for the expert opinion of the selection committee who has the relevant expertise based on the nature of service rendered in the past qua the work experience, and to give higher marks than the others.

6. No grounds for interference are made out.

7. Dismissed.

(ARUN MONGA)
JUDGE

March 31, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No