

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CWP No. 8415 of 2017 (O&M)

Date of Decision : 10.11.2022

Krishan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Karan Choudhary, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. Kanwal Goyal, Advocate with
Mr. Govind Kanwar, Advocate for the respondent-HPSC.

Mr. Virender Kumar, Advocate for respondent No. 3.

Harsimran Singh Sethi J. (Oral)

CM-7374-CWP-2017

Present application has been filed for allowing the applicant-petitioner to amend the heading of the petition as well as prayer clause.

Keeping in view the averments made in the application, which is duly supported by an affidavit, the same is allowed. Applicant-petitioner is allowed to amend the heading of the petitioner as well as the prayer clause.

Registry is directed to do the needful.

CWP-8415-2017

In the present petition, the challenge is to the selection of respondent No. 3 on the ground that the petitioner has been awarded less marks in the interview as compared to the selected candidates hence, the

selection of respondent No. 3 to the post of Assistant Professor (College Cadre) in the subject of Music-I be quashed.

The facts leading to the filing of the present petition are that the respondent-Commission issued an Advertisement inviting applications for recruitment of 1647 temporary posts of the Assistant Professor (College Cadre) in various subjects. Seven posts in the subject of Music-I were also advertised out of which, six posts were in General Category and one was in Scheduled Caste Category. The last date for submission of the application form was 15.03.2016. The petitioner applied in the reserved category of Scheduled Caste for which one post was reserved. Petitioner competed in the said selection but failed to get selected and respondent No. 3 was selected against the reserved post of Scheduled Caste. The said selection of respondent No. 3 is under challenge in the present writ petition.

Learned counsel for the petitioner argues that though, the petitioner is more meritorious than respondent No. 3 as he had secured more marks in the written examination as well as in the recruitment test but he was granted less marks in the interview, which has led to his exclusion at the hands of respondent No. 3 hence, the selection of respondent No. 3 is not in accordance with law.

After notice of motion, the respondents have filed the reply. The respondent-Commission in its reply has mentioned that as per the criteria, 50% weightage was given to the written examination and 50% marks were allocated for personal achievement coupled with interview. Out of 50% marks allocated for personal achievement interview, 30 marks were to be granted for personal achievement and 20 marks were kept for interview and out of the said 50% allocation, petitioner secured 11 marks

for the personal achievement and 8 marks for the interview, whereas respondent No. 3 secured 15 marks for the personal achievement out of 30 and also was granted 8 marks in the interview. Hence, the claim of the petitioner that he was discriminated and was not awarded marks for which he was entitled for in the interview as compared to respondent No. 3, is incorrect.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The respondents have given the criteria for selection in para 9 of the written statement. From the said criteria, it can be clearly held that the petitioner as well as respondent No. 3 got same marks for the interview and nobody was given any preference over another in the interview as being claimed by the petitioner. It was only in the 30 marks, which were kept for personal achievement, respondent No. 3 secured 4 marks more than the petitioner, which made the difference with regard to the selection of respondent No. 3 to the post of Assistant Professor (Music-I) reserved for the Scheduled Caste. That being so, the ground being raised by the petitioner that he was not evaluated as per his merit and respondent No. 3 was given more marks in the interview to oust him from the consideration, is factually incorrect.

Keeping in view the above, no ground is made out for any interference by this Court.

Dismissed.

November 10, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes