

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6210-2018

Date of Decision: 05.05.2022

VINOD KUMAR

..... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Nonish Kumar, Advocate
for the petitioner.

Mr. Sandeep Singh Mann, Addl. A.G. Haryana.

Mr. Kanwal Goyal, Advocate
for respondents no.2 and 3.

LISA GILL, J.

Prayer in this writ petition is for quashing of impugned result dated 08.06.2017 (Annexure P-14), issued by respondent no.2, while not considering the name of petitioner for the post of Assistant Professor (College Cadre) under BCA Category, for the subject of Commerce, allegedly ignoring meritorious candidature of petitioner.

Learned counsel for the petitioner submits that petitioner pursuant to Advertisement dated 16.02.2016 (Annexure P-7), inviting applications for recruitment to the post of Assistant Professor (College Cadre) HES-II, including subject of Commerce, applied for the same under BCA category. Petitioner took the written examination held on 15.02.2017. Learned counsel further submits that petitioner after qualifying written examination, appeared for interview which according to him went well and petitioner was hopeful of being selected. Final result for the post of

Assistance Professor for the subject of Commerce was declared on 08.06.2017. Petitioner, however, did not figure in the final select list. Detail of marks obtained by all the candidates including total marks for interview and personal achievement was admittedly published on its website by respondent no.2-Commission.

Learned counsel further submits that petitioner was shown to have scored only 28 marks for personal achievement and interview, which he found to be unjustified, therefore, petitioner sought information under the RTI Act about the detail of marks secured by him in the interview. As per reply dated 16.02.2018, petitioner has secured 14 marks in interview. Learned counsel submits that as per applicable criteria petitioner is entitled to 20 marks for personal achievement which takes the total for personal achievement and interview to 34 marks. Petitioner, it is stated, in this way actually secures more marks than the last selected candidates. It is, thus prayed that this petition be allowed and impugned result dated 08.06.2017 be quashed.

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

Grievance raised by the petitioner is that award of marks for interview and personal achievement is incorrect. Admittedly, 50 marks are reserved for personal achievement and interview i.e. 30 & 20 marks respectively. Petitioner secured 20 marks for personal achievement and 8 marks for interview and secured a total of 61.16 marks, thus not making it to the select list. The confusion and difficulty arose because there were two candidates with the same name i.e. Vinod Kumar bearing roll nos. 7091 and 7092. Petitioner bearing roll no.7091, due to an inadvertent mistake was

supplied information under the RTI Act, 2005, whereby interview marks of Vinod Kumar bearing roll no.7092 were provided by the concerned dealing Assistant. Petitioner has in fact secured 08 marks in the interview and not 14 marks, which was incorrect information supplied to him inadvertently, as is duly clarified and explained in the reply filed on behalf of respondent no.2. Petitioner has in fact not made it to the final merit list. He has secured 61.16 marks. It is further stated that the concerned Assistant who committed the error of supplying incorrect information has been charge-sheeted under Section 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 for the said lapse.

Keeping in view the facts and circumstances as above, learned counsel for the petitioner is unable to point out any ground for interference. Therefore, this writ petition being devoid of any merit is dismissed with no order as to cost.

05.05.2022

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No