

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

CWP-12880-2014 (O&M)

Date of decision: July 27, 2022

Lovepreet Singh and another

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Amit Jhanji, Senior Advocate with
Mr. Anurag Goyal, Advocate and
Mr. Abhishek Kumar, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. Sandeep Dhull, Advocate for respondents No.4, 5, 8, 9,
11 to 15, 17 to 21, 24, 25, 27 to 40, 42 to 51, 53, 54, 56 to 60,
63 to 74, 76, 83, 87, 89 to 94, 101 to 103.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari to quash the impugned selection list dated 19.06.2014 (Annexure P-9) for the post of Junior Engineer (Civil), and the impugned criteria dated 07.01.2012 (Annexure P-10) pursuant to advertisement dated 06.12.2011 (Annexure P-1).

2. The facts are not in dispute as regards the controversy, the same have been succinctly summarised by my learned Brother Augustine George Masih, J. (as he then was seized of the matter) vide order dated 08.07.2014 while issuing notice of motion, which is reproduced herein below:-

*“Counsel for the petitioners, after arguing for sometime, prays for withdrawal of the writ petition qua Ankit Kumar, petitioner No.2.
Prayer made by counsel for the petitioners is accepted.*

Writ petition qua Ankit Kumar, petitioner No.2, is permitted to be withdrawn.

It is the contention of counsel for the petitioner that the basic qualification as prescribed in the advertisement dated 06.12.2011 (Annexure P-1) for the post of Junior Engineer (Civil) was passing of three years diploma in Civil Engineering from a recognized technical Institution and Hindi/Sanskrit upto Matric standard. The purpose of Hindi/Sanskrit upto Matric standard was only for ascertaining that he/she possessed the knowledge of said language. The criteria as has been laid down by the Haryana Staff Selection Commission, respondent No.3 takes into account the marks obtained in the matriculation/+2. Even +2 was not mentioned as the basic qualification for the post. The criteria, thus, laid down by the Haryana Staff Selection Commission, Panchkula, which was not made public till the declaration of the result, cannot sustain. He accordingly contends that the criteria, Annexure P-10, dated 07.01.2012, the selection and the merit list re-casted accordingly by deleting the marks assigned for the matriculation/+2 deserve to be set-aside.

Notice of motion for 12.01.2015.

Appointment, if any, in pursuance of the advertisement dated 06.12.2011 (Annexure P-1) to the post of Junior Engineer (Civil) shall be subject to the decision of the present writ petition.”

3. I have heard the competing arguments of learned counsels and perused the record.

4. What emerges thus, from the aforesaid factual backdrop is that eligibility qualifications which are not disputed for the post in question are three years of Diploma from a recognized technical institution and matric with Hindi or Sanskrit. Eligibility of petitioner is also not under dispute. What has been assailed by him after unsuccessfully competing in the selection process is the meaning assigned to the essential academic qualifications *qua* which all the candidates across board were assessed in two parts i.e., 20 marks were assigned for matric/ +2 and the benefit of the percentage of higher of the two was given to a candidate and 30 marks were assigned to the performance of a candidate in his three-year Diploma.

5. Learned Senior counsel for petitioner emphatically contends that such a split up could not have been made as part of the criteria as it goes against what was advertised and is as reproduced herein below:-

“E.Q.i) *Passed three years diploma in Civil Engineering from recognized Technical Institution*
ii) *Hindi/ Sanskrit upto Matric Standard.*

Pay Scale *Rs.9300-34800 + Rs.3600 Grade Pay*
Age *17-40 years.*

SPECIAL INSTRUCTIONS:

The prescribed essential qualification does not entitle a candidate to be called for interview. The Commission may shortlist the candidates for interview by holding a written examination or on the basis of a rationale criterion to be adopted by the Commission. The decision of the Commission in all matters relating to acceptance or rejection of an application, eligibility/ suitability of the candidates, mode of, and criteria for selection etc. will be final and binding on the candidates. No inquiry or correspondence will be entertained in this regard.”

6. I have perused the essential qualifications vis-à-vis the criteria dated 25.06.2013 (Annexure P-7) published by the Haryana Staff Selection Commission, which clearly states that “Commission has decided to shortlist the candidates in respective category for interview on the basis of essential academic advertised qualification i.e., Passed three-year diploma in Civil Engineering from recognized Technical Institution”. The said criteria is not under challenge and on the contrary is being relied upon by the petitioner.

7. I am unable to agree with the contention as canvassed that only Three-Year diploma ought to have been made as part of the assessment for a candidate to award the marks for the essential qualifications. The said criteria is being read in isolation which is not permissible as the criteria as a whole has to be read along with what has been stated in the advertisement. When read homogeneously, I do not find any irregularity in the criteria adopted by

the Commission. On the contrary, it appears that a transparent and very objective approach has been adopted by giving due weightage to the performance of the candidates on the basis of their having scored higher marks in the matric and/ or +2 as the case may be along with Three-Year diploma. That apart, it is not a case of any hostile discrimination as has been canvassed in course of arguments since it is not only the petitioner, but likewise many of all those candidates who have been subjected to the same criteria would not have earned additional marks claimed by petitioner by not considering his performance in matric. Students are well aware that marks obtained in matric and +2 are considered the very foundation of their academic qualifications which forms the basis of their assessment in subsequent years and it is in this spirit that the importance to the marks obtained therein is attached, and therefore, to turn around and say that Commission could not have given any weightage to the marks of matric and/ or +2, goes against the spirit of conducting the Board examinations.

8. In the premise, no grounds for interference are made out.

9. Dismissed.

(ARUN MONGA)
JUDGE

July 27, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No