

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 37932 of 2018 (O&M)

Date of Decision: 19.04.2022

Rajesh Kumar

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jasbir Mor, Advocate
for the petitioner.

Dr. Kiran Pal Singh, AAG., Haryana.

LISA GILL, J(Oral).

Petitioner in this case is aggrieved of not having been called for interview for the post of PGT Geography.

It is submitted that the petitioner pursuant to advertisement no. 4/2015 had applied for the post of PGT Geography. He took the written examination held on 15.06.2016. Objections are stated to have been uploaded on 04.09.2016 by the respondent-Commission, but the same it is stated were not considered/decided before uploading the revised answer key. Petitioner cleared the written test. Candidates were called for scrutiny of documents, however petitioner was not called for interview. Accordingly present writ petition was filed.

Notice of motion was issued in this writ petition on 21.12.2018 while recording contentions on behalf of the petitioner as under:-

“Petitioner is participating in the selection process for the post of PGT (Geography) in the General category. Last candidate, who has been called for interview, has secured 98 marks. The petitioner has got 96 marks. Learned counsel for the petitioner states that even after the revised answer key, the petitioner has raised objections with regard to question Nos.72, 77 and 79 of

paper 'C'."

It was further directed that the petitioner be provisionally interviewed subject to decision of the present writ petition and his result be kept in sealed cover. Petitioner's result was produced on 18.09.2019, wherein it is recorded that petitioner secured 96 marks in the written test and 12 marks in the viva voce i.e., total of 108 marks whereas cut off marks are 124. The matter was adjourned at request as it was submitted that petitioner had attached an experience certificate, but no marks have been afforded to him for the same.

Learned counsel for the petitioner while not raising any argument regarding the answer key etc., or any other grounds as are mentioned in the writ petition submits that petitioner is entitled to benefit of marks for his experience as petitioner had been working as a Guest Teacher PGT Geography at the Government School/s at Delhi since 2011.

It is relevant to note at this stage that in the written statement filed on behalf of respondent no.3, a specific stand has been taken that candidates to be called for interview shall be shortlisted by holding a written examination meaning thereby that marks for experience are not to be added to the marks secured in the written examination. Relevant clause of advertisement no.4/2015 reads as under:-

"Special Instructions:-

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

It is the categoric stand of the respondents that marks for experience are added while preparing the final result and not while calling the candidates for interview. Apart from the fact that learned counsel for the petitioner is unable to point out any infirmity in this criteria which was duly notified in the advertisement, learned counsel for the petitioner is unable to deny that in the application form submitted by the petitioner, no claim has been set-forth by the petitioner in respect to any experience gained by the petitioner. Argument that the petitioner in-fact did have the requisite experience which merits some extra marks which may enable him to be included in the waiting list, is clearly devoid of merit in view of the fact that such a claim was never even staked at the time of submission of application form. Petitioner having participated in the selection process clearly has no right to challenge the criteria at this stage and indeed has no vested right to seek consideration of his experience certificate at the short-listing stage and even thereafter once not even having adverted to the same in his application form. Therefore, I do not find any ground for interference in this writ petition.

No other argument has been addressed.

Accordingly, this writ petition is dismissed with no order as to costs.

19.04.2022

s.khan

[LISA GILL]
Judge

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