

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3184 of 2022 (O&M)
Date of decision: 22.02.2023

Surjit Kaur

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Mittal, Advocate
for the petitioner.

Mr. R.S.Pandher, Sr. DAG, Punjab

Mr. Sahil Kumar, Advocate, for
Mr. Nitin Kaushal, Advocate,
for respondent no.3.

ANIL KSHETARPAL, J(Oral)

1. The petitioner prays for the issuance of a writ in the nature of certiorari to quash the recruitment notice dated 04.08.2020, the entire selection process, merit list prepared pursuant thereto and the appointment letters issued to the selected candidates.
2. The relevant facts, in brief, are required to be noticed.
3. A recruitment notice was issued inviting applications for 800 posts of the Ward Attendants. It was notified that the selection would be made on the basis of a written examination as well as experience held by the candidates. For each year of experience, one mark was assigned while assigning maximum 10 marks for experience. The petitioner claims that as per the Punjab Civil Services (General and Common Conditions of Service) Rules 1994 (hereinafter referred to as 'the 1994 Rules'), the award of marks for experience were not permissible.

4. Despite repeated requests made by the Court to the learned counsel representing the petitioner, the learned counsel failed to draw the attention of the court to the relevant rules which restrict the selection only on the basis of written examination while excluding experience. In fact, 1994 Rules are only general and common conditions of the Service Rules. In absence of any express bar, the recruiting agency has the enabling power to lay down the criteria for selection of the candidates. In the present case, the selection is sought to be made on the basis of the written examination for which 90 marks have been allocated, whereas for experience maximum 10 marks have been allocated.

5. In view of the aforesaid facts and discussion, this Court does not find it appropriate to issue the writ as prayed for.

6. Dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

February 22, 2023
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(ANIL KSHETARPAL)
JUDGE

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