

CWP No. 13769 of 2023

2023:PHHC:114515

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(224)

CWP No. 13769 of 2023

Date of Decision : 31.08.2023

Anurag and others

...Petitioners

Versus

State of Haryana and another

...Respondents

(225)

CWP No. 13770 of 2023

Rahul and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ankur Sidhar, Advocate for the petitioners
in both cases.

Ms. Shruti Jain Goyal, Senior Deputy Advocate General,
Haryana and
Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

By this common order, two writ petitions, details of which have been given in the heading, are being decided as these petitions involve the same question of law on similar facts.

In the present petitions, petitioners are the one, who have either qualified the Common Eligibility Test (hereinafter referred to as 'CET') or have failed but in both the scenarios, the petitioners have not been called for further process keeping in view their merit position

obtained in the CET keeping in view the number of posts advertised in different cadres.

Learned counsel for the petitioners argues that the petitioners were made to undergo a screening test, wherein, the questions put to them were not from the subject, in which the petitioners had gained the minimum qualification required. Learned counsel submits that the questions, which were put to them, were from mathematics, whereas the petitioners had gained the minimum qualification in science stream. Hence, process of ascertaining their capability in the CET was in an arbitrary manner and now, as the petitioners have not been able to clear the Common Eligibility Test, the petitioners are not being called for further consideration for appointment to the various posts, which have been advertised.

Learned counsel for the respondents submits that the CET was conducted as per the syllabus already prescribed and once, the petitioners have appeared in the said examination without raising any objection qua the syllabus now, they cannot raise any objection, once they have failed and are not to be allowed any further participation in the selection process, especially when further process of selection has already been undertaken qua some of the posts advertised.

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

The CET has been held by the respondents and the same has been held keeping in view the syllabus, which was already brought to the

notice of the candidates by the respondents much before the conduct of the CET. Merely that the petitioners could not succeed in getting the required marks to clear the CET so as to allow them to further participate in the selection process, cannot be a ground to set-aside the written examination of the CET. Once, the petitioners have appeared in the CET and failed to secure the minimum required marks so as to allow them to compete further, they cannot turn around and challenge the conduct of the CET itself.

Further, the arguments which has been raised by learned counsel for the petitioners that the syllabus on the basis of which the CET has been taken, was not from a field in which the petitioners have got the minimum qualification required to appear in the said CET. The said argument will not come to the rescue of the petitioners. Once, the syllabus was provided for holding the CET, which also included the questions from mathematics, after appearing in the said examination and failing to clear the said examination, the petitioners cannot turn around to challenge the syllabus, which was put in the CET, especially when all the candidates undertook the CET on the basis of same syllabus.

At this stage, learned counsel for the petitioners argues that the CET has been conducted against the service rules. It may be noticed that the CET was held to shortlist the large number of candidates applying for the post in question. Candidates, who clear the said CET, will qualify for further written test qua the posts are advertised. It may be noticed that the petitioners could not clear the first hurdle itself, hence,

arguing that the questions, which were put up to them in the CET were not related to the post, cannot come to their rescue. The judgment of the Hon'ble Supreme Court of India in Civil Appeal No. 9482 of 2019 titled as ***Dr. (Major) Meeta Sahai Vs. State of Bihar and others***, decided on 17.12.2019 which is cited by the learned counsel for the petitioners, is not applicable in the facts and circumstances of the present case, hence, no benefit of the same can be extended to the petitioners.

Further, the process, which has been adopted by the respondents in filling up the post has already been upheld by the Division Bench while passing order in CWP No. 24605 of 2022 titled as ***Ashish Kumar and another Vs. State of Haryana and others***, decided on 12.05.2023. The Notification introducing the CET and the process Policy for the recruitment to Group-C and Group-D as notified vide Notification dated 05.05.2022 has already been upheld. Once, the said Notification has been upheld and it is a conceded position that the selection has been made as per the said Notification, the grievance being raised by the petitioners cannot be accepted.

No ground is made out for any interference by this Court qua the holding of the CET and the questions, which were put in the said test.

Dismissed.

August 31, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No