

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

224

CWP-21900-2016 (O&M)

Date of Decision: 18.08.2023

Sudhir Kumar Jaglan

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Reshav Sharma, Advocate for
Mr. D.R. Sharma, Advocate for the petitioner
Mr. Vivek Singla, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner, through instant petition under Articles 226/227 of the Constitution of India, is seeking setting aside of selection of respondent Nos.3 and 4 against advertised post of Assistant Registrar.

2. The brief facts of the case which are necessary for the adjudication of the present petition are that the petitioner on 28.05.1992 joined Chaudhary Charan Singh Haryana Agricultural University, Hisar as Lower Division Clerk. The petitioner was selected as Assistant on 29.01.1998 in Navodaya Vidyalaya Samiti. The petitioner possesses degree of M.Com., MBA, B.Ed. The petitioner, pursuant to advertisement No.52/2014-15 inviting applications for non-faculty post issued by respondent No.2-Indian Institute of Technology, Ropar ('IIT Ropar') applied for the post of Assistant Registrar. Respondent Nos.3

and 4 besides the petitioner participated in the interview held on

09.09.2015. Total 11 candidates appeared in the interview. A panel of selected candidates was prepared. Respondent Nos.3 was at Serial No.1 and respondent No.4 was at Serial No.2. Respondent No.3 did not join and respondent No.4 joined.

3. Mr. D.R. Sharma, learned counsel for the petitioner *inter alia* contends that respondent No.2-IIT, Ropar has selected respondent No.4 without following transparent procedure. Respondent No.2 did not disclose the criteria for selecting respondent No.4. It followed procedure as per whims and caprices and selected respondent No.4. The petitioner was equally eligible for the post, however, respondent No.4 has been appointed.

4. Mr. Vivek Singla, learned counsel for respondent No.2 *inter alia* submits that respondent No.4 is more qualified than the petitioner and fulfills requirement of the institute, thus, respondent No.4 was selected. The interview was conducted by a Board consisting of 5 very senior academicians i.e. Director, IIT Ropar; Director IISER Mohali; Professor & Dean Administration, IIT Madras; Dean (Faculty Affairs & Admn.) IIT Ropar and Officiating Registrar, IIT Ropar. There was no favoritism. The petitioner, since 1998, was working as Assistant and he had never performed duties in supervisory capacity whereas respondent No.4 was working as Assistant Registrar with Central University, Punjab. Respondent No.4 was working at Grade Pay 5400, thus, respondent No.4 was much qualified and suitable in all respects than the petitioner.

5. I have heard the arguments of learned counsels for the parties and perused the record.

6. From the perusal of record, it comes out that respondent No.2-IIT, Ropar vide advertisement No.52/2014-15 invited applications from eligible candidates for various non-faculty posts. Assistant Registrar was one of the advertised post. The requisite qualification for the post was as below:-

Assistant Registrar	PB-3 (Rs.15600-39100) GP- Rs.5400/-	01/UR	<i>Qualification(s): A post graduate degree in any discipline from a recognized university with atleast 55% marks or its equivalent grade. At least 5 years relevant administrative experience in supervisory capacity in a Govt. office/University/Technological Institution or an organization of repute which may include activities related to Stores & Purchase/Establishment/Academic in the pay scale of Rs.6500-10500 (pre-revised)/PB-2 (Rs.9300-34800) with Grade Pay of Rs.4600/- or equivalent. For candidates with an MBA after post graduation, the minimum experience requirement can be reduced to 3 years.</i> Desirable: i) <i>An MBA equivalent</i> ii) <i>Knowledge/experience of computer system for information processing and retrieval will be advantageous and given weightage for selection.</i>
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7. The petitioner as well as respondent No.4 fulfilled minimum eligibility criteria. Both were possessing requisite qualifications, however, respondent No.4 was working as Assistant Registrar for more

than 5 years in Central University, Punjab whereas petitioner was working as Assistant since 1998, thus, petitioner had no administrative knowledge in supervisory capacity. On the other hand, respondent No.4 was having said experience as Assistant Registrar and post in question was of Assistant Registrar. Respondent No.4 was getting Grade Pay of Rs.5400/- whereas petitioner was getting Grade Pay of Rs.4600/-. The difference in the experience of petitioner and respondent No.4 is writ large.

8. The petitioner is attempting to make out his case only on the ground that there was no transparency or fixed criteria, thus, there was favoritism. The petitioner has not brought on record any evidence to form an opinion that there was arbitrariness or favoritism on the part of respondent No.2. Even otherwise, it is settled proposition of law that a candidate who fulfills eligibility criteria has right to participate in the interview, however, no candidate carries vested or fundamental right to be selected. It is always the discretion of the selection committee/board to select most suitable and eligible candidate. The Court can interfere only if there is patent illegality in the procedure or arbitrariness on the part of selection committee. The petitioner except to make bald allegation of arbitrariness has failed to make out his case whereas respondent No.2-IIT, Ropar has demonstrated that respondent No.4 was a better candidate than the petitioner, thus, there was reason to select respondent No.4.

9. In the wake of aforesaid facts and findings, this Court is of the considered opinion that the present petition sans merit and deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

18.08.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>