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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-24705-2015 (O&M)

*Date of Decision: 14.12.2023*

**HARPREET SINGH**

.....Petitioner

V/s.

**STATE OF PUNJAB AND OTHERS**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

Present: Mr. Mr. Ranjit Singh Kalra, Advocate with  
Mr., Randeep Singh Smagh, Advocate the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

Mr. Gursher Bhandal, Advocate for respondent No.2.

Ms. Tejaswini, Advocate for respondents No.4 and 5.

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**SANJEEV PRAKASH SHARMA, J. (Oral)**

1. The petitioner has preferred this Writ Petition challenging the selection made on the post of Dairy Development Officer (Group-B) for which an advertisement was issued on 22.06.2014 by the respondent- Department of Animal Husbandry, Fisheries and Dairy Development, Punjab inviting applications from the candidates.

2. It is submitted that the petitioner possesses the qualification of M.Sc. in Dairy Technology and he applied for the post of Dairy Development Officer (Group-B). It was informed in the advertisement that the candidates would be advised to remain in touch with the website of respondent No.2- University i.e. [www.gadvasu.in](http://www.gadvasu.in) in respect of date of written test and results etc. as respondent No.2-University was the agency to conduct the

examination and it is at their website that the date of written test would be mentioned and the result would be declared.

3. Learned counsel for the petitioner submits that the examination was conducted on 01.10.2014, however, the result of the said examination was not declared by respondent No.2-University. He further submits that even the Department did not declare the result nor published the merit list. It was only when the petitioner moved an application under the RTI Act, 2005 on 25.09.2015, he learnt about the issuance of appointment letters to respondent No.4 and 5. However, the petitioner was not informed even under the RTI about the result. The petitioner therefore, preferred this Writ Petition for seeking quashing of the appointment orders issued in favour of the respondents No.4 and 5 based on a wrongful and illegal method of selection as the result was not declared.

4. It was the objective type question paper with multiple choice questions and there was 25% negative marking but the answer key was also not published.

5. The respondent No.2-University has put in appearance and has taken the plea that although they were the examining body, they were not supposed to declare the result and it was the respondent-Department who was supposed to declare the result. It is stated in the reply that the respondent No.2-University conducted the examination on behalf of Department of Animal Husbandry, Fisheries and Dairy Development, Punjab, but after conducting the test, the result as well as complete record pertaining to the test

was sent to respondent No.3 in terms of the proceedings of the meeting dated 23.05.2014. The relevant portion of reply is reproduced as under:-

“10. XXXXXX

XXXXX No doubt the test was conducted by the University on behalf of the Respondent No.1 Department of Animal Husbandry, Fisheries and Dairy Development, Punjab but after conducting the test, the result as well as complete record pertaining to the test was sent to the Respondent No.3 as per proceeding of the meeting dated 23.05.2014. It is worth mentioning here that Respondent No. 3 did not send the result to Respondent No.2 for its display on the website of Guru Angad Dev Veterinary and Animal Sciences University, Ludhiana (GADVASU). Therefore, the Respondent No. 2 did not display the result on the University website. Moreover, it was only advisement for the students to remain in touch with the University website for date of written test/result etc.”

6. On the other hand, respondents No.1 and 3 i.e. Department of Dairy Development, Punjab have stated that the selection for the post of Dairy Development Officer (Group-B) was not made by the respondents-Department and the same was made by the respondent No.2-University. It is further stated that the contention of the petitioner that the result was not declared on the website of the respondent No.2-University is concerned, it is humbly submitted that the same was to be done by respondent No.2-University and not by the respondent-Department.

7. In Para 16 of the reply, they have reiterated that the selection was made by the respondents No.2-University, therefore, the result was also to be declared by the respondent No.2-University, but it is asserted that the

selection was made in a fair and transparent manner and in accordance with the Rules.

8. Learned counsel appearing on behalf of respondents 4 and 5 (selected candidates) submits that respondents 4 and 5 were informed that they possessed experience as per the advertisement and before giving them appointment, proper enquiry was conducted by the respondent-Department from the competent authority in regard to validity of the working experience of the selected candidates. It was only after the submission of report from the Enquiry Officer, appointment letters were issued to respondents No.4 and 5.

9. The fact about the result having not been declared is not denied. It is, however, stated that in Para 2 that as per the information, the petitioner had already obtained the result under the RTI Act, 2005 and was fully aware that he has not been able to qualify the written test.

10. The respondents have also stated that respondents No.4 and 5 have joined the post of Dairy Development Officer (Group-B) and are continuing to perform their duties on the said post. Interestingly, the respondents have also not placed their appointment orders on record. Whereas the petitioner on the other hand placed the appointment order dated 15.10.2015 issued to respondent No.4-Nirvair Singh (Annexure P-10) which reflects that the appointment has been offered to him on recommendations of the respondent No.2-University.

11. It is also noticed that the petitioner was informed by the Superintendent Grade-I of respondent-Department that so far as the matter relating to recruitment for the post of Dairy Development Officer (Group-B)

is still under consideration and the information asked for under the RTI Act, 2005 would be provided after the final decision in the case, vide letter dated 29.09.2015. Thus, within 11 days thereafter, the appointment letters were issued in favour of the respondents No.4 and 5.

12. The entire exercise conducted by the respondent No.2-University and the respondent-Department smacks of a scam. While the respondent No.2-University states that as per the minutes of the meeting, they were not supposed to declare the result. The Department states that it was the University which was required to declare the result as well as the appointment orders. It is stated that it was on the recommendations of the University that the appointment has been given. So far as respondents No.4 and 5 are concerned, they state that their experience was verified by the Department, thus, it appears that they were having full knowledge about their result even though the result of the examination was not declared by anyone.

13. One document has been handed over record by the learned State counsel reflecting the so called result sent to the Department. Although the same was never placed on record with the reply. The Xerox of so called result 07.10.2014 signed by the Controller of the Examination and the Registrar of the respondent No.2-University, shows that the marks of the examination were first calculated out of 200 and then the same were reduced by half out of 100. The answer key was not even published by the respondent No.2-University and it *prima facie* seems that Controller of the Examination and the Registrar of the respondent No.2-University, the then Director of the

Department of Animal Husbandry, Fisheries and Dairy Development, Punjab were involved in giving appointment to respondents No.4 and 5.

14. The Supreme Court in the case of Reshma Sultana Vs. State of Karnataka and Others; 2022 (3) SCT 169 has held as under:-

*“6.1 Once the entire selection process was found to be vitiated due to fraud, collusion and manipulation, thereafter the learned Single judge ought to have passed the order for a fresh selection after following the due process of selection as required. It is to be noted that the original writ petitioner is also seeking appointment pursuant to the very selection process/recruitment process which is found to be fraudulent and suffers from manipulation of record. Under the circumstances, the direction issued by the learned Single Judge, which was not interfered with by the Division Bench directing to forward the documents of the respondent No. 10 herein – original writ petitioner to consider his case for appointment is unsustainable.*

*7. Now, so far as the quashing and setting aside the appointment of the appellant herein by the learned Single Judge confirmed by the Division Bench is concerned, apart from the fact that this Court had issued a limited notice as observed hereinabove, even on merits also and considering the fact that the entire selection process/recruitment process was found to be fraudulent and it was found that there was a manipulation in the resolution and as such no resolution was passed to appoint the appellant, it cannot be said that the learned Single Judge committed any error in quashing and setting aside the appointment of the appellant herein. The same has been rightly confirmed by the Division Bench of the High Court.*

*14. In view of the above and for the reasons stated above, present appeal succeeds in part. The impugned judgment and order passed by the Division Bench and that of the learned Single Judge quashing and setting aside the appointment of the appellant as Urdu Lecturer is hereby confirmed. However, that*

*part of the direction/order passed by the learned Single Judge by which the learned Single directed to forward necessary documents and proposals to the concerned authorities for the purpose of appointing the original writ petitioner as a full-time Lecturer in Urdu subject, which is not interfered with by the Division Bench of the High Court is hereby quashed and set aside. A fresh selection process be initiated for filling up the post of Urdu Lecturer after following due process as required and the same shall be monitored and supervised by respondent No. 2 herein – Commissioner of Collegiate Education and this exercise be completed preferably within a period of three months from today.*

*With this, the present appeal is partly allowed to the aforesaid extent. However, in the facts and circumstances of the case, there shall be no order as to costs.”*

15. The Supreme Court in the case of **Sachin Kumar and Others** Vs. **Delhi Subordinate Service Selection Board (DSSSB) & Others**; 2021(4) SCC 631 has held as under:-

*“59. The Tribunal while setting aside the decision to cancel the recruitment process directed the Government to process the appointments of all 281 candidates who were found to be within the zone of selection though as a matter of fact only 6 of them had moved the Tribunal. After DSSSB and GNCTD moved the High Court in proceedings under Article 226 to challenge the decision of the Tribunal, intervention applications were moved by several candidates. These interventions were rejected by the High Court and we have also extracted from the order passed during the pendency of the proceedings on 15 December 2017 in para 20 of this judgment. The High Court while dismissing the applications for intervention noted that the cause of action had accrued on 15 March 2016 when the entire examination had been cancelled, in spite of which none of the intervening candidates had challenged the decision. The*

*judgment of the High Court in the present case was delivered on 13 January 2020 and it is only thereafter that this Court has been moved under Article PART G 136 of the Constitution. Some of the petitioners who instituted Special Leave Petitions before this Court had not even moved applications for intervention before the High Court. Others did not pursue their remedies against the order of the High Court dated 15 December 2017 for over 2 years. They have taken no steps to challenge the decision for the cancellation of the examination. In view of the fact that we have upheld the submissions of DSSSB and GNCTD and proceed to set aside the judgment of the High Court, the SLPs filed by the candidates would have to stand rejected, in any event.*

**60** *For the above reasons, we order and direct:*

*(i) The facts which have come to light during the course of the hearing of this batch of SLPs reflect on the serious flaws in the process which was conducted by DSSSB. DSSSB and GNCTD must now take adequate measures to ensure against the recurrence of such instances which erode the credibility of and public confidence in the recruitment process. We direct that a comprehensive exercise to re-visit the modalities and safeguards be carried out within a period of two months to ensure that the probity of the recruitment process in future is maintained;*

*(ii) The notification dated 15 March 2016 of GNCTD cancelling the Tier-I and Tier-II examinations held for recruitment to the post of Head Clerk [(Grade II (DASS)] under post code 90/09 is upheld;*

*(iii) The appeals filed by DSSSB (arising from Special Leave Petition (C) No. 11940 of 2020) and GNCTD (arising from Special Leave Petition (C) No. 12066 of 2020) are allowed;*

(iv) *The judgment of the Division Bench of the Delhi High Court dated 13 January 2020 (and in consequence the judgment of the Tribunal) are set aside; and*

(v) *The companion appeals arising out of the SLPs 12 filed by the candidates stand dismissed.*

*61 There shall be no order as to costs. Pending application(s), if any, stand disposed of.”*

16. In view of the above, this Court, having reached to the conclusion that the selection process under reference is vitiated on account of collusion of the aforesaid officials, quashes the appointment orders issued to respondents No.4 and 5 and also quashes the selection conducted under the advertisement dated 22.06.2014 with further directions to conduct a fresh selection for the post of Dairy Development Officer (Group-B) strictly in terms of the advertisement.

17. The petitioner may apply for the said post and he will be treated as eligible for the purpose of participation in the selection process. The examination shall be conducted with transparency and answer key shall be published with objections and after deciding the objections, final answer key shall be published and the result shall be declared. Thereafter, other qualification(s) shall be verified and those persons who are found in merit would be given appointment.

18. At the same time, the Department is directed to register an FIR against the concerned officers i.e. Controller of the Examination and the Registrar of the respondent No.2-University, the then Director of the

Department of Animal Husbandry, Fisheries and Dairy Development,  
Punjab, who were holding the post at that time as well as respondents No.4  
and 5. The investigation would be done by the Vigilance Section of the State Government and after investigation, if case is made out against the concerned persons, requisite charge-sheet/criminal case shall be registered in the appropriate Court.

19. All the pending applications in this Writ Petition stand disposed of accordingly.

**December 14, 2023**  
*Ess Kay*

**[SANJEEV PRAKASH SHARMA]**  
**JUDGE**

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

*Whether Reportable* : *Yes / No*