

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CWP-14198-2020

Date of Decision :20.02.2024

Sunita Mann

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

Mr. Sukesh Kumar Jindal, Advocate for respondent No.6.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance of the petitioner is with regard to the selection of the private respondent on the post of Monitoring and Evaluation Officer as advertised vide advertisement dated 20.07.2019 (Annexure P/1).

2. Learned counsel for the petitioner submits that petitioner has threefold grievance with regard to the selection of private respondent to the post in question.

3. Learned counsel for the petitioner submits that knowledge/qualification of certain computer based programmes was required to be possessed by the candidate concerned hence, as the petitioner has the said knowledge/qualification but still the candidature of the petitioner has been ignored by the respondents at the cost of private

respondent so as to select him though, he does not have the said required qualification.

4. Learned counsel for the petitioner further argues that petitioner was given lesser marks in the interview as compared to the private respondent, which action on the part of the respondents is arbitrary and illegal.

5. Last argument raised by the learned counsel for the petitioner is that the posts were advertised for a period of one year, which period has already elapsed hence, the respondents are under an obligation to re-advertise the posts including the post in question.

6. Learned counsel for the respondents submits that there are certain posts, duties of which can only be performed with the help of computer and in order to verify the computer knowledge of each candidate, a test was also conducted, which has been passed by the selected candidates.

7. Learned counsel for the respondents further submits that interview marks were given by the interview committee keeping in view the performance of each candidate during the interview hence, grievance being raised by the petitioner that he has been given lesser marks than the private respondent is liable to be rejected. Learned counsel for the respondents further submits that though the posts were advertised for a period of one year but as the appointment was done after following due process, the selected candidates are still continuing on the posts in question keeping in view requirement of the work of the post in question.

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

9. First argument which has been raised by the learned counsel for

the petitioner is that the candidate, who was to be selected should have knowledge of certain computer based programmes so as to perform the duties of the post in question. It has been conceded by the parties including the petitioner that in order to ascertain knowledge regarding operation of computer of each candidate, a test was conducted and the private respondent, who has been selected against the post in question has cleared the said test. That being the factual position, it cannot be said that selected candidate/private respondent does not fulfill the requisite as envisaged in the advertisement so as to perform the duties of the concerned post.

10. With regard to the second argument of the learned counsel for the petitioner that the petitioner has been given lesser marks in the interview as compared to the private respondent, it may be noticed that the selection committee has evaluated the candidates on the basis of performance of each candidate during interview. Further, there is no allegation of malafide alleged against any member of the interview committee hence, this Court will not sit in a appeal over the grant of marks by the experts, who actually interacted with each candidate during interview.

11. Last argument raised by the learned counsel for the petitioner is that the post in question was advertised for a period of one year, which period has already expired hence, a fresh selection should be made to the post in question.

12. Once, the claim of the petitioner was considered while competing for appointment to the post in question, it is up to the respondents to allow the selected candidates to continue on the post in question in case the work of the said post still exists. Further, making selection time and again is contrary to the settled principle of law as the

candidates, who have been selected on contractual basis cannot be replaced by another set of contractual employees hence, the said argument of the learned counsel for the petitioner cannot be accepted.

13. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

February 20, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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