



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

215

CWP-22809-2015(O&M)
Date of decision: 19.11.2024

Arti

...Petitioner

Versus

The Managing Director and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G.P. Vashisht, Advocate for the petitioner.

Mr. R.S. Bhatia, Advocate for the respondents.

AMAN CHAUDHARY, J. (Oral)

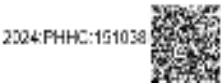
1. The prayer in the present petition is for quashing the selection list, pursuant to the advertisement dated 15.12.2014 for filling up 36 vacancies qua the post of Peon in the respondent-Bank.
2. Admittedly, the petitioner, seeking appointment under the SC category with 78% marks in his 10+2 examination, appeared before the interview board and scored 5 marks therein, resulting in her non-selection, as noted by the respondents in Annexure R-2, wherefrom it is discernible that there were few who were even given 4 marks and thus not selected.
3. On the ambit of this Court's jurisdiction to sit in appellate scrutiny over the determinations of the Selection Committee, Hon'ble the Supreme Court, in **Dalpat Abasaheb Solunke vs. Dr. B.S. Mahajan**¹ had expounded that, "It will thus appear that apart from the fact that the High Court has rolled the cases of the two appointees in one, though their appointments are not assailable on the same grounds, the Court has also found it necessary to sit in appeal over the decision of the Selection



Committee and to embark upon deciding the relative merits of the candidates. It is needless to emphasise that it is not the function of the Court to hear appeals over the decisions of the Selection Committees and to scrutinize the relative merits of the candidate. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The Court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection etc. It is not disputed that in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so called comparative merits of the candidates as assessed by the Court, the High Court went wrong and exceeded its jurisdiction.”

4. The screening panel possesses exclusive authority to assign interview marks based on a candidate's performance at the appropriate time, bearing in mind the qualities necessary for the position, independent of academic qualifications. Allowing candidates with lower scores to challenge the process would render it impossible for any recruitment procedure to cross the finish line.

5. Having partook in the selection process without contesting it *ab initio*, a candidate is precluded from later contending that the process was defective or inequitable merely because the outcome was not to his liking, as



was reiterated by Hon’ble the Supreme Court in **Tajvir Singh Sodhi vs. State (UT of J&K)²**.

6. As an upshot of the afore, the present petition is sans merit and is hereby dismissed

(AMAN CHAUDHARY)
JUDGE

19.11.2024
Hemant

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