

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

CWP-26908-2013 (O&M)
Date of decision: 29.10.2024

Udey Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Akshay Jindal, Advocate for the petitioner.

Mr. G. C. Shapuri, Advocate,
for respondent Nos. 6, 10, 11, 15, 22, 49, 59, 73, 93, 103, 109, 111,
114 and 123.

Mr. Dilbagh Singh, Advocate,
for respondent Nos. 12, 14, 16, 28, 36, 37, 39, 42, 44, 48, 50, 54, 58,
61 to 66, 70 to 72, 75, 76, 84, 85, 89, 90, 92, 94, 95, 105 to 107, 110,
113, 117, 119 and 121.

Mr. Anshuman Dalal, Advocate,
for respondent Nos. 13, 24, 38, 45, 51, 60, 77, 79, 80, 97, 99, 101,
102, 112, 118 and 122.

Mr. Tapan Kumar, DAG, Haryana.

AMAN CHAUDHARY, J.

1. Aggrieved by his non-appointment to the post of Patwari in the general category, the petitioner has approached this Court with a prayer to quash the selection of private respondents under Advertisement No. 5 of 2007, category No. 15.

2. The petitioner has urged that he was more meritorious than a majority of the candidates in the final list in terms of his academic marks, based on which he claims that had he been granted 2 more marks in the interview, he would have made it, as he secured a total of 60.36, while the cut-off was 63.21.

3. The challenge made to the selection, where the criteria had been uniformly made applicable and also found mentioned in the interview letter, a

fact stated by the petitioner himself in para No.3 of the writ petition, on the premise that there was some flaw in the process or unfairness in the conduct of interview, is untenable in view of **Tajvir Singh Sodhi vs. State (UT of J&K)**¹, wherein it was held that a candidate having once participated without a demur, questions the same due to the result being not palatable, is estopped from doing so.

4. It is the prerogative of the screening panel to award marks for the interview as per the performance of a candidate at the relevant time while also keeping in mind the attributes that a post may require, *de hors* his academic excellence and the Court cannot sit as an appellate authority over such assessment carried out, particularly in the absence of any malafides or extraneous considerations alleged and established, as was held in **Vijay Syal & Ors. vs. State of Punjab & Ors.**², a reference to which can be gainfully made.

5. Notably it is not the case set up that the marks assigned for interview in the criteria prescribed was beyond the permissible percentage nor is there any bias specifically alleged against the selection Committee. Was the Court to accept the plea of every unsuccessful candidate, as in the present case that had the petitioner been given a few more marks in the interview he was in, no recruitment process would ever culminate.

6. Having given thoughtful consideration to the facts of the case and taking stock of the legal position, the present petition being bereft of merit, is hereby dismissed.

29.10.2024
dinesh

(AMAN CHAUDHARY)
JUDGE

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

¹ 2023 SCC OnLine SC 344
² 2003 (9) SCC 401