

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213

CWP-20284-2017 (O&M)

Decided on :30.04.2024

GAURAV GIRDHAR

. .petitioner .

Versus

STATE OF HARYANA AND ORS.

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Rajnish Gupta, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Kanwal Goyal, Advocate and
Ms. Sheena Dahiya, Advocate
for the respondent-HPSC.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is qua the selection process for the post in question, which has been made by the respondents in pursuance to the advertisement No. 6 (1) dated 17.11.2015 (Annexure P-4) by which the posts of Assistant District Attorney were advertised by the Government of Haryana. The petitioner competed against 137 posts of Assistant District Attorney but ultimately, he could not succeed in the selection process. The challenge in the present petition is that the criteria which has been adopted by the respondents qua the selection for the post in question, was not disclosed to the candidates, hence, the said criteria is bad and could not have been made applicable while making the selection for the post in question.

2. Upon notice of motion, learned counsel for the respondents have filed the reply wherein they have stated that before starting the selection process for the post in question, the competent authority had framed the criteria according to which, 50 % marks were assigned to the

written examination, 30 % marks were assigned to the personal achievements and 20 % marks were assigned for the interview, which criteria has been uniformly made applicable upon all the candidates competing for the post in question and thereafter, the result of the written examination for the post in question has been declared and the allegation that respondent No. 4 has secured less marks than the petitioner is incorrect.

3. Learned counsel for the respondents places reliance upon the judgment of the Co-ordinate Bench of this Court passed in **CWP-12392-2011, titled as ‘ Pankaj Sharma and anr vs. Secretary Hssc and Ors ’** **decided on 11.05.2015** holding that once the criteria has been made and the said criteria has been applied uniformly upon all the candidates, no grievance can be raised by the petitioner.

4. Learned counsel for the respondents further submits that the criteria, of the said selection has already been upheld by the **Co-Ordinate Bench of this Court while passing order in CWP-2267-2018, titled as Davinder Singh v. State of Haryana and others, decided on 12.09.2022.**

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

6. The first grievance which is being raised by the petitioner is that the criteria for selection for the post in question was not made public, which is causing prejudice to the candidates. It may be noticed that other than the petitioner, no one has raised the said grievance. It is not the case that the different criteria have been made applicable upon the candidates while conducting the selection process for the post in question, Once, the uniform criteria has been made applicable upon all the participating candidates and the selection has been made thereafter on the basis of the said criteria by evaluating each and every candidate, merely that the criteria was not made

public, is not a ground to set-aside the selection process for the post in question.

7. Even otherwise, the criteria of the said selection was challenged in **Davinder Singh's case (supra)**, and the said contention has already been rejected by the Co-ordinate Bench of this Court while passing the order dated 12.09.2022.

8. Learned counsel for the petitioner has not been able to rebut that the criteria in question, against which the grievance is being raised by the petitioner, has already been upheld by the Co-ordinate Bench of this Court in **Davinder Singh's case (supra)**. That being the factual position, no grievance can be raised by the petitioner.

9. Further, the argument raised by learned counsel for the petitioner is that the application of the criteria has caused prejudice to the petitioner qua respondent No. 4.

10. It may be noticed that the criteria is to be applied uni-formally upon all the candidates. The contention of the petitioner is that his academic marks has been reduced to ½ due to which, he is getting lesser marks in the aggregate written examination.

11. It may be noticed that the said criteria is made applicable upon all the candidates uni-formally. Merely that another criteria framed would have served the petitioner's interest in a better way, is no ground to set-aside the criteria adopted until and unless, the said criteria, on the face of it is bad. Further, once the criteria for selection process has already been upheld in **Davinder Singh's case (supra)** even the said argument cannot be accepted.

12. No other argument has been raised by the learned counsel for the parties.

13. Hence, keeping in view the facts and circumstances of the present case recorded herein above, no ground is made out for interference in the present petition, hence the same stands **dismissed**.

14. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

30.04.2024
Riya

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