

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-20512-2017 (O&M)
Date of Decision :15.01.2024

Sakunt Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ajit Kumar Sharma, Advocate for
Mr. R.D. Yadav, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to appointment of the private respondents as Stamp Auditors with a further prayer that petitioner be selected and appointed on the said post with all consequential benefits.

2. Learned counsel for the petitioner argues that the petitioner was fully eligible for appointment against the 06 vacant post of Stamp Account Examiner, which were notified to be filled up by way of transfer vide letter dated 25.06.2015 (P-1). In the said letter, qualification required for the post was mentioned and it was further mentioned that candidate, who intends to compete for the said post should not be facing any departmental proceedings. The selection was made and by impugned order dated

01.09.2016 (Annexure P/2) private respondents were appointed. Challenge

in the present petition is to the said order of appointment of the private respondents.

3. In the reply, respondents have mentioned that selection has been made on the basis of the criteria as envisaged under the rules governing the service as per which, the candidate was required to obtain 40 marks to remain in contention for appointment to be made by way of transfer but the petitioner only secured 31.5 marks in the selection process and hence, the petitioner could not be selected.

4. There is no replication to the said written statement.

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

6. In the present petition, only claim of the petitioner is that the appointment of the private respondents is arbitrary.

7. Nothing has come on record as to how the said appointment of the private respondents is bad or arbitrary.

8. Further, as per the reply filed by the respondents, minimum 40 marks were required to be obtained by the candidate to remain eligible for the selection in question keeping in view the criteria prescribed whereas, it is a conceded position that the petitioner only secured 31.5 marks, which is much less than the minimum marks fixed to be eligible for selection for the post in question by way of transfer.

9. Keeping in view the fact that petitioner was not found suitable even hence, he cannot challenge the selection of the other candidates, who have been selected by following proper criteria as envisaged for the post in question.

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

January 15, 2024

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No