

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CWP-24930-2016 (O&M)
Date of Decision :04.04.2024

Manish Chaudhary

...Petitioner

Versus

Secretary Haryana Vidhan Sabha, and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Sihag, Advocate & Mr. R.K.Poonia, Advocate
for Mr. P.S. Jammu, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

Mr. R.S. Budhwar, Advocate for the respondent No.4.

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Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed challenging the selection of respondent No.4 to the post of Watch and Ward Assistant as advertised by the respondents vide advertisement No.06/2015 (Annexure P/3) as the petitioner competed for the said post but could not get selected.

2. Learned counsel for the petitioner argues that the petitioner had good academic record as compared to respondent No.4 and hence, he should have been given preference over and above respondent No.4 for the post in question.

3. Further allegation of the petitioner is that respondent No.4 belongs to the same district as the then Speaker of the Haryana, Vidhan Sabha hence, he has been selected due to the influence of the then Speaker,

Haryana Vidhan Sabha i.e. respondent No.3.

4. Upon notice of motion, the respondents have filed reply, wherein, they have submitted that large number of candidates had applied for the post in question and a uniform criteria was framed for adjudging the suitability of the candidates and keeping in view the marks given by the interview committee to the candidates, selection has been made and as the petitioner has not been able to secure enough marks to get himself selected for the post in question allegations are being made so as to seek relief, as claimed in the present petition.

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

6. The first argument which has been raised by the learned counsel for the petitioner is that respondent No.4 is less meritorious than the petitioner. The said argument has been raised on the premise that petitioner had secured more percentage of marks in matriculation examination hence, he should have been given preference over and above respondent No.4.

7. In case the said contention of the learned counsel for the petitioner is accepted, then, the interview fixed to adjudge the suitability of the candidates will have no role to play. Interview is an integral part of the selection process, which gives an opportunity to the selection committee to adjudge the capability and suitability of the candidates for the post in question. Petitioner as well as respondent No.4 have been interviewed by the same selection committee and the said selection committee has given more marks to the respondent No.4 as compared to petitioner. It may be noticed that selection committee comprises of experts and this Court will not sit in appeal to comment upon the decision of the selection committee

only on the asking of the petitioner.

8. Further, merely the petitioner had secured more marks than the respondent No.4 in matriculation examination, does not entitle him to seek preference over and above respondent No.4. The criteria fixed for appointment to the post in question has been uniformly applied on all the candidates and the marks secured by the petitioner in matriculation examination has been given due weightage. Once, it is a conceded position that respondent No.4 secured more marks than the petitioner in the selection process, no grievance can be raised. It has already come on record that there are large number of candidates, apart from the respondent No.4, who have secured more marks than the petitioner but against them, the petitioner is not making any allegation.

9. Second contention raised by the learned counsel for the petitioner is that respondent No.4 belongs to the same constituency as the then Speaker of the Haryana Vidhan Sabha i.e. respondent No.3.

10. It could be a co-incidence that respondent No.4 also belongs to the same constituency as the then speaker of the Haryana, Vidhan Sabha. Nothing has come on record that there is any influence used by the respondent No.3 to get respondent No.4 selected and appointed on the post in question. In the absence of any material to support, merely allegation of the petitioner that the respondent No.4 belongs to the same constituency as the then Speaker of Vidhan Sabha, Haryana hence, it should be inferred that selection process is biased, cannot be accepted.

11. 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.

12. Civil miscellaneous application pending, if any is also disposed of.

April 04, 2024

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No