

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

208

CWP-26872-2014 (O&M)  
Date of decision: 06.11.2024

Gurdial Singh

..Petitioner

Versus

State Bank of India and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Vijay Rana, Advocate for the petitioner.

Mr. Kapil Kakkar, Advocate for respondent Nos.1 to 3.

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**AMAN CHAUDHARY, J.**

1. Challenge in the present petition is to the selection list i.e. Normal Cum Seniority Channel vide which Private Respondents have been promoted from Clerical Grade to the Officer Cadre in JMGS-I.
2. The sheet anchor contention of the petitioner is that he ranks higher on the merit list compiled by the Department for candidates who passed the written test/online examination and that he performed exceptionally well in the interview but was awarded only 6 marks out of 20, it being below the 35% benchmark fixed for the SC category.
3. Regarding the authority of this Court to sit in appeal over a decision made by the Selection Committee, Hon'ble the Supreme Court in **Dalpat Abasaheb Solunke vs. Dr. B.S. Mahajan**<sup>1</sup> had observed 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

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<sup>1</sup> 1990 (1) SCC 305

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. Marks are awarded at the discretion of the Selection Committee as per the performance of the candidate keeping in mind the attributes essential to a post, beyond just his academic excellence. The result of the interview has neither been contested on account of extraneous circumstances nor any misconduct or mala fides qua the committee have been established, in the present case. Accepting the objections of every unsuccessful candidate would make it a Herculean task to bring the recruitment process to a close.

5. Hon’ble the Supreme Court in **Tajvir Singh Sodhi vs. State (UT of J&K)**<sup>2</sup> has reiterated that without having initially challenged the selection process and participated alongside others, a candidate cannot assert that the selection process was flawed or allege unfairness simply because the outcome was not favorable to him.

6. On the aforesaid anvil, the present petition is hereby dismissed, for the want of merit.

**(AMAN CHAUDHARY)**  
**JUDGE**

**06.11.2024**  
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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |

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<sup>2</sup> 2023 SCC OnLine SC 344