



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

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CWP-2845-2015 (O&M)

Date of Decision : 20.08.2024

Gurdip Kaur**.. Petitioner****Versus****State of Punjab and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Rajeev Anand, Advocate
for the petitioner.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner competed for the post of Supervisor as advertised by the respondents on 23.12.2010, which was re-issued vide public notice dated 08.07.2013 (Annexure P-1).

2. The selection was to be made from amongst Anganwadi Worker, who are already working with the respondents. The petitioner competed for the post of in question but could not get selected and, challenge is to the selection made qua the post in question.

3. Learned counsel for the petitioner submits that the petitioner has not been given weightage for having done Bachelors in Library Sciences whereas, weightage has been given to the professional degree, post



graduate degree and for a Doctorate degree. Learned counsel for the petitioner submits that had the petitioner been given marks for Bachelor in Library Sciences, the petitioner would have been selected keeping in view the marks secured by the last selected candidate.

4. After notice of motion, the respondents have filed reply and in the reply, the respondents have stated that as only the marks have been given for the higher qualification mentioned in the advertisement itself whereas, the petitioner is claiming the marks for her Bachelor in Library Science, which is equivalent to the minimum qualification required of Graduation, no marks was required to be given as the same is not mentioned in the advertisement. It has been further mentioned that the candidates who have been selected have more marks than the petitioner as the petitioner secured 11.69 marks whereas the last selected candidate secured 12.37 marks.

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

6. It may be noticed that, though the selection is under challenge but no selected candidate is made party to the present petition. It is settled principle of law that in case, a relief claimed is adversely affecting the others rights, the candidates who are likely to be affected by the outcome, should be party to the petition. Despite the fact that the present petition is pending for the last nine years, no selected candidate has been impleaded as a party, who will be adversely affected in case, the claim, of the petitioner as raised in the present petition is allowed.

7. Further, the only reason to challenge the selection is that the



petitioner has not been given marks for her Bachelor in Library Science Course, which she has done. It may be noticed that as per the respondents, only higher qualifications mentioned in the advertisement, are being given the marks, whereas the petitioner's qualification in Bachelor in Library Sciences is equivalent to Graduation which is the minimum qualification required to be considered eligible and the qualification for which the petitioner is seeking marks is not mentioned in the advertisement. The said argument is valid. Once a criteria was fixed even in the advertisement itself as to how the candidate is to be evaluated and nothing has come on record that a candidate has been evaluated contrary to the said criteria given, no benefit of appointment can be given. The argument of the learned counsel for the petitioner that the petitioner should have also been given extra marks for B.lib course which qualification is not the part of the criteria for the grant of additional marks, cannot be accepted as, it is the sole descretion of the employer to fix the criteria to attract the best suitable candidate for the job in question. The Court cannot sit as an appellate authrity to devise a better criteria, the same is beyond the jurisdiction of the Court. No other argument is raised before this Court.

8. Dismissed.

9. All pending applications, if any, stand disposed of accordingly.

20.08.2024

Satyawan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No