

206IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2865-2016 (O&M)
Date of Decision: 14.03.2024

ANIL KUMAR AND ANR...Petitioners
Vs.
STATE OF HARYANA AND OTHERS...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Hemant Saini, Advocate with
Mr. Himanshu Seth, Advocate and
Mr. Himanshu Monga, Advocate
for the petitioners.

Ms. Vibha Tewari, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance being raised by the petitioners is to the selection which has been made by the respondents to the post of Gram Sachiv, is totally arbitrary and illegal.
2. Learned counsel for the petitioners argues that the competence of the candidates has not been evaluated in a manner required, and the meritorious candidates who had good academic record, have not been selected which itself shows that the selection which has been made in pursuance to the advertisement No. 5/2008 dated 22.07.2008 (Annex. P-1), to the post of Gram Sachiv, has been made in an illegal and arbitrary manner.
3. Learned counsel for the respondents on the other hand submits that the selection to the post in question has been made in accordance with law.
4. Learned counsel for the respondents further submits that, initially as per the advertisement dated 22.07.2008 (Annexure P-1), there

were 400 posts which were to be filled up for the post in question, which number of posts were increased by corrigendum dated 19.07.2010 (Annexure P-2) to 817 posts and the candidates have been evaluated on the basis of the criteria which was made applicable uniformly on all the competing candidates. As per the respondents, the petitioner Anil Kumar, who was competing in the Reserve Category of Scheduled Caste had secured 50.40 marks out of 90 and the last selected candidate in the Reserve Category of Scheduled Caste had secured 64.67 marks whereas the petitioner Hari Singh who was competing in the Reserve Category of BCA, secured 51.30 marks whereas, the last selected candidate in the said category had secured 64.82 marks and keeping in view the fact that the petitioners have secured lesser marks in the category in which they were competing, they could not be selected.

5. The said averment in the reply has gone and as the petitioners have secured lesser marks, they have rightly being ignored for appointment against the advertised post.

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

7. The challenge in the present petition is to the selection which was made to the post in question in the year 2012. The writ petition was filed after a period of 04 years of the said selection.

8. Even otherwise, the only grievance being raised by the petitioners is that candidates have not been evaluated in accordance with their capabilities. Though, the said averment has been made but nothing has been brought on record to show that the criteria which has been framed by

the respondents to evaluate the merit of the each candidate, has not been uniformly applied upon all the candidates. In the absence of any such material on record, the prayer of the petitioners that the selection was made in an arbitrary manner, cannot be accepted.

9. Even otherwise, as per the reply filed, the petitioners have not been able to secure the marks equivalent or more than the last selected candidate in the category in which the petitioners were competing hence, the petitioners who have not secured enough marks to get on the select list, selection for appointment qua the post in question cannot raise any grievance. Even otherwise, selected candidates are waiting for the last more than 12 years. Keeping in view the nature of allegations alleged, which allegations have not been corroborated with due material, setting aside the selection is not possible, there is no allegations against a particular selected candidates that he/she is not eligible and only general allegations have been alleged qua the selection process, which allegations, keeping in view the facts which are on record, cannot be accepted to set aside a selection process.

10. Keeping in view the above, no ground is made out for any interference by this Court in the present petition and the same stands dismissed.

11. Pending applications, if any, shall also stands disposed of.

(HARSIMRAN SINGH SETHI)
(JUDGE)

14.03.2024

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No