

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-2301-2018
Date of Decision: 30.04.2024

Satinder Pal Singh ...Petitioner

Versus

Union of India and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Nikhil Lather, Advocate
for Mr. Anurag Goyal, Advocate for the petitioner

Mr. Navjit Singh, Central Govt. Counsel,
for Union of India-respondent No.1

Mr. A.S. Virk, Advocate for respondent Nos.2 and 3

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of list of shortlisted candidates (Annexure P-9) to the extent, his name does not figure in the said list. He is further seeking setting aside of proceedings dated 03.12.2015 (Annexure P-12) of selection committee.
2. This is second round of litigation. The petitioner pursuant to advertisement No.20/2015 (Annexure P-7) applied for the post of Assistant Engineer (Electrical). He was not considered by screening committee on the ground that he does not possess requisite experience. He preferred *CWP No.24936 of 2015* before this Court. By interim order dated 02.12.2015 (Annexure P-11), the petitioner was permitted to participate in interview

which was to be conducted on 03.12.2015. The selection committee, on 03.12.2015, conducted the interview of eligible candidates and did not find any candidate suitable.

3. Learned counsel for the petitioner submits that petitioner was initially rejected on the ground of eligibility and thereafter, selection committee has rejected his candidature without assigning any reason.

4. Learned counsel for the respondents submits that suitability and eligibility are two different expressions and concepts. The petitioner, in view of direction of this Court, was considered eligible, however, no candidate was found suitable, thus, he cannot claim violation of Article 14 of the Constitution of India. He has no right to claim the said post. It is prerogative of the selection committee to select or reject any candidate. The selection committee cannot be asked to assign reason(s) for rejection of candidature.

5. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

6. It is settled proposition of law that a candidate can claim that he has right to be considered but no one can claim right over a post. It is also a settled proposition of law that unless and until it is established that there was *mala fide* on the part of selection committee, the opinion of selection committee cannot be disturbed by the Courts. The selection committee consists of experts and opinion of experts cannot be substituted by the Courts.

7. In the case in hand, the petitioner was permitted to participate in the selection process as he was *prima facie* found eligible. He could claim

right to participate but he cannot be heard to say that he should be selected.
The selection committee has not find any candidate suitable.

8. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

30.04.2024
Mohit Kumar

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