



CWP-4676-2015 (O&M)

-1-

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

205

CWP-4676-2015 (O&M)

Date of Decision :17.09.2024

Narinder Singh

...Petitioner

Versus

Vice Chancellor, Punjabi University and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Adish Jain, Advocate for Mr. Naresh Jain, Advocate
for the petitioner

Mr. Sanjeev Roy, Advocate for Mr. I.P.S Doabia, Advocate
for respondents No.1 to 3.

Mr. Kanwaljit Singh, Senior Advocate with
Mr. Vivek Salathia, Advocate for respondent No.4.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance being raised by the petitioner is qua the selection of respondent No.4 to the post of Assistant Professor in Psychology in pursuance to the advertisement dated 06.07.2013 (Annexure P/2) issued by the respondents.

Learned counsel for the petitioner submits that the petitioner is better qualified as compared to the respondent No.4 and hence, he has prior right to be selected and appointed to the post in question.

**CWP-4676-2015 (O&M)****-2-**

Second argument being raised by the learned counsel for the petitioner is that respondent No.4 has been selected by giving him undue benefit in the selection process over and above the petitioner.

Learned Senior counsel appearing for the respondent No.4 submits that merely that the petitioner is more qualified than respondent No.4 will not give right to the petitioner to say that respondent No.4 is in any way inferior to the petitioner in capability hence, the grievance being raised by the petitioner qua the selection and appointment of respondent No.4 to the post in question is without any basis and the writ petition is liable to be dismissed.

Learned counsel appearing for the respondent-University submits that the selection has been made on the basis of the achievements of the candidates and their performance before the selection committee and hence, the grounds which are being taken by the petitioners to challenge the selection and appointment of the respondents No.4 are liable to be rejected.

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

The first argument which has been raised by the learned counsel for the petitioner to challenge the appointment of respondent No.4 is that the petitioner is better qualified as compared to respondent No.4.

The said argument does not give right to claim supremacy to the petitioner over the respondent No.4. The candidates, who fulfil the minimum required qualification and are eligible to compete are to be treated on the same footing. In case, the criteria permits to grant weightage to the higher qualification, the same has to be given but unless and until

**CWP-4676-2015 (O&M)****-3-**

such weightage is permissible as per the criteria, the candidate having higher qualification cannot claim that he/she has supremacy over the other candidates having lesser qualification even though, minimum eligibility required under the advertisement is fulfilled by them.

Further, the performance in the interview is to be seen by the selection committee consisting of experts. Once, the experts have posed faith in respondent No.4 over and above the petitioner, this Court will not like to disturb the said opinion of the experts to accept the plea of the petitioner that he is better suited for the post as compared to respondent No.4 in the absence of any material brought before this Court to rebut the said presumption.

With regard to the second argument of the learned counsel for the petitioner that selection of the petitioner is by favouritism, it may be noticed that no allegation of malafide has been alleged in the writ petition and no one, who is alleged to have showed favouritism to respondent No.4, has been impleaded as party by name to make allegations of malafide. In the absence of any particular person being impleaded by name qua the allegations of malafide, this Court will not accept the plea of the petitioner that selection of respondent No.4 was an act of favouritism and was not based on merit.

No other argument has been raised.

Keeping in view the facts and circumstance recorded hereinabove, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

CWP-4676-2015 (O&M)

-4-

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

September 17, 2024

aarti

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No