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

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Date of Decision :03.10.2024

Raman Kainth**...Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Rajinder Sharma, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior DAG, Punjab.

Mr. K.L. Gupta, Advocate for respondent No.3.

Ms. Alka Chatrath, Advocate with Mr.Nikhil Singh, Advocate
for respondent No.4.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance being raised by the petitioner is that the petitioner competed for the post Vocational Master-Secretarial or Commercial Practice as advertised vide advertisement dated 23.09.2009 (Annexure P/1) by the respondents.

Learned counsel for the petitioner submits that the petitioner competed for the post in question but he has not been evaluated as per the criteria fixed by the respondents, which is causing prejudice to the petitioner.

Learned counsel for the petitioner further submits that the petitioner has not been given separate marks for his professional qualification, which act on

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the part of respondents is arbitrary and illegal and hence, the respondents are liable to be directed to reevaluate the claim of the petitioner for the post in question.

Upon notice of motion, the respondents have filed reply wherein, in para-3 of the preliminary submissions, the criteria which has been uniformly followed for evaluating all the applicants has been mentioned. As per the respondents, the petitioner secured 48.3 marks, which are less than the last selected candidate in the category in which the petitioner was competing and hence, the petitioner could not be appointed.

There is no replication to the written statement filed on behalf of the respondents.

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

It is not in dispute that the petitioner was eligible for the post in question. The only grievance of the petitioner is that as per the selection criteria, 80 marks were fixed for educational and professional qualification, 10 marks fixed for higher qualification and 10 marks for experience gained after obtaining essential qualification whereas, the claim of the petitioner is that he has not been given marks for his professional qualification and hence, the respondents are liable to be directed to reevaluate the merit of the petitioner.

It may be noticed that for the essential qualification i.e. B.A. B.Com and diploma in Commercial or Technical Education, the same has been treated as single qualification for the grant of marks, for which, 80 marks were fixed. The respondents are on record to say that B.A.



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qualification has been taken into account for all the candidates uniformly for awarding the marks under the said criteria wherein 80 marks fixed for basic and professional qualification. Once, a uniform criteria has been adopted for all the candidates, the claim of the petitioner that petitioner should have been separately evaluated for grant of marks for professional qualification of diploma in Commercial and Secretarial practice as well cannot be accepted. The criteria has to be followed uniformly for the all the candidates.

Further, it is not the case of the petitioner that and any candidate has been given marks for his academic qualification as well as professional qualification separately. In the absence of any such averment, the claim of the petitioner that the petitioner should have been given separate marks for academic qualification and professional qualification is not made out.

Further, there is no claim of malafide attached with any of the selected candidates. No member of selection committee has been impleaded by name, who was part of the selection Committee/recruiting agency. In the absence of any such averment coupled with the fact that criteria which has been framed, has been uniformly adopted for all the candidates, no ground for considering the claim of the petitioner separately is made out .

Not only this, the present petition has been filed after six years of selection process. The selection process has already attained finality and the rights of the selected candidates have already been crystallized hence, under this circumstances to apply a criteria which according to the petitioner was best suited to him, cannot be accepted even otherwise.

Keeping in view the above, no ground for interference by this Court is made out and present writ petition is accordingly dismissed.

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

October 03, 2024

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No