

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

216

CWP-668-2017  
Date of Decision: 15.04.2024

SATNAM KAUR

... PETITIONER

Versus

STATE OF PUNJAB & ORS

... RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr.V.K.Shukla, Advocate  
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

Ms. Mehak Bedi, Advocate for  
Mr. Vivek K.Thakur, Advocate  
for respondents No.4 and 5.

Mr. R.S. Randhawa, Advocate with  
Mr. Amritpal Singh Gill, Advocate and  
Ms. Tarranum, Advocate  
for respondents No. 6 to 13, 15 to 41, 43 to 49, 51 to 56,  
58, 59, 61, 63 to 69, 71, 72, 74 to 78, 80 to 92, 94, 95, 97 to 99  
and 101 to 114.

Mr. Ramandeep, Advocate  
for respondent No.43.

Ms. Navdeep, Advocate  
for respondent No.50.

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**JAGMOHAN BANSAL, J. (Oral)**

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of selection and appointment of private respondents to the posts of Sub-Inspector (female) on the ground that interview has been wrongly dispensed with.

2. Mr.V.K.Shukla, Advocate submits that the petitioner pursuant to advertisement dated 01.09.2016 (Annexure P-1) applied for the post of Sub-Inspector. The respondent conducted written test on 06.11.2016 and released merit list on 20.12.2016. The respondent decided to dispense with interview for the posts of Constables and Sub-Inspectors i.e. Class C and D posts on 30.09.2016, however, said decision was published in the newspaper on 21.12.2016 i.e. after release of merit list on 20.12.2016.

It is a settled proposition of law that after initiation of selection process which starts from the advertisement, the recruitment board cannot change rules of game. The petitioner participated in the selection process pursuant to advertisement dated 01.9.2016. She secured 58 marks in the written test and last selected candidate secured 61 marks. The interview carried 15 marks. Had interview been conducted, there were possibilities that petitioner might be selected. The respondent could not scrap interview after initiation of selection process.

3. Mr. Aman Dhir, DAG, Punjab submits that State Government in view of instructions of Government of India as well as Punjab Government took a conscious decision on 30.09.2016 to scrap interview for the posts of Constables and Sub-Inspectors. At the time of said decision, process of selection of Constables initiated vide advertisement dated 31.05.2016 and Sub-Inspectors vide advertisement dated 01.09.2016 was in progress. The interview was scrapped for the posts of Constables as well as Sub-Inspectors. The matter with respect to interview for the posts of Constables came up for consideration before this Court in a bunch of petitions titled as “*Raghvir Singh and Ors. vs. State of Punjab and others*” which vide detailed judgment dated 05.07.2021 dismissed claim of all the petitioners.

4. Faced with this, Mr.V.K.Shukla, Advocate submits that judgment of this Court in **Raghvir Singh's case (supra)** is distinguishable. The interview was dispensed with by a public notice dated 21.12.2016 whereas result of written test was declared on 20.12.2016, thus, interview could not be dispensed with after declaration of result.

5. I have heard the arguments of learned counsel for the parties and perused the record.

6. The petitioner applied for the post of Sub-Inspector pursuant to advertisement dated 01.09.2016. An advertisement dated 31.05.2016 invited applications for the posts of Constables. The Government took a conscious decision on 30.09.2016 to dispense with interview. The decision to dispense with interview with respect to posts of Constables was taken post physical measurement test. Written test with respect to posts of Sub-Inspectors was conducted 06.11.2016. The respondent issued a public notice in newspaper on 30.09.2016 scrapping interview qua post of Constable. The respondent conducted written test with respect to posts of Sub-Inspectors on 06.11.2016 and a public notice with respect to decision to dispense with interview was published in newspaper on 21.12.2016. The merit list was released on 20.12.2016. The petitioner is trying to distinguish judgment of this Court in **Raghvir Singh's case (supra)** on the sole ground that a public notice to dispense with interview was published on 21.12.2016 i.e. after release of merit list dated 20.12.2016. A Co-ordinate Bench of this Court vide judgment dated 05.07.2021 has discussed issue in hand at length. The Court has categorically held that dispensing with interview for the post of Constables being Group C is in tune with guidelines issued by Government of India and policy decision of State Government, thus,

decision to dispense with interview deserves to be upheld. The relevant extracts of the judgment read as :

*12.1. That after the publication of advertisement Annexure P-1, Komal Kumar and 27 other petitioners had filed a CWP No. 12661/2016 (later dismissed as withdrawn on 19.09.2016) challenging the clause for conducting interview-cum-personality test and asserting that conducting of interview for class C and D posts was contrary to Central and Punjab State Governments' instructions. Keeping in view the likelihood of more such future litigation on that ground, this aspect was discussed with the State Government and after consideration by the Punjab Government, the approval given for conducting interview for recruitment of Sub Inspectors and Constables was withdrawn by the Department of Home Affairs & Justice. In this regard, publicity was made as per news item dated 30.09.2016, Annexure R-4(English translation R-4/T). Amendment was accordingly made by respondent No.2 in Standing Order No.1/2016 substituting the Interview-cum-Personality Test with 'document verification'. Combined provisional merit list was prepared on the basis of marks obtained by candidates in height measurement (PMT) and educational qualifications. Physical Screening Test (PST) was only of qualifying nature, which is in consonance with the State Government instructions dated 28.03.2016, which is already annexed as Annexure R-1.*

*X                      X                      X                      X*

*39. To sum up in the end, hereinbelow are the succinct conclusions drawn and directions of the Court in the instant judgment:-*

*i). The criteria of selection as per the original advertisement read with the standing order, is upheld and the petitioners' challenge thereto is rejected. Dispensing with the interviews for the post of Constable being Group-C which is in tune with the guidelines issued by the Government of India*

*and the policy decision of the State Government dispensing with the interview is also upheld.*

*ii). The grievance of the petitioners qua measurement of height would be mitigated by the State by carrying out one time re-measurement of their height in terms of judgment rendered by this Court in Sonu Singh's case, ibid. It is so ordered accordingly.*

*iii) All the petitioners be notified of the date, time and venue for remeasurement of height through email/ text message as well on the website of the department. Those who opt for remeasurement, the exercise for their remeasurement of height and the resultant changes concerning the concerned petitioners in selection shall be completed within the next one month.*

*iv) If any of the concerned aggrieved petitioners is/are selected, he/they be issued letters of appointment within the next two months. Candidates who have already undergone remeasurement test during pendency of proceedings would be given benefit thereof, if any, in accordance with remeasured height.*

*v). If upon re-measurement of height, any petitioner comes above the previously selected candidate in the respective category viz. General or otherwise, in that event the already selected candidate on the bottom of list in the said category shall have to make way for him, in case there is no vacancy available. Needless to say that in case vacancies still exists, then the newly selected candidate shall be accommodated in accordance with his merit.*

*vi) A writ of mandamus is issued to the State of Punjab that henceforth it shall ensure that the guidelines, contained in Sonu Singh's case, ibid are made mandatory in every recruitment to be carried out in Punjab Police and other departments where height is one of the criteria for selection.*

*vii) All other cases wherein additional issues, other than the challenge to criteria as per advertisement read with*

*standing order and measurement of height, are being de-tagged vide a separate order to be reheard on their individual merits, only to the extent the issues raised therein have not been dealt with in this judgment.*

7. The aforesaid judgment came to be assailed by way of intra court appeal. A Division Bench of this Court vide judgment dated 16.05.2022 has dismissed a bunch of LPAs. The Court has upheld the decision of Single Judge. The relevant extracts of the judgment dated 16.05.2022 are reproduced as below:

*“The grouse as such of the candidates was that subsequently amendment had been made in the Standing order whereby interview has been dispensed with. The date of the amendment is stated to be 26.09.2016. This was the primary grievance as such of the candidates that in view of the said amendment since the interview was done away, it amounted to changing the rules of the game when the game had started.*

*X X X X*

*It is not for the candidates to determine how the selection process is to be carried out. It is to be left to the wisdom of the competent authorities and therefore, the learned Single Judge was well justified in holding that it was the policy decision of the State Government in dispensing with the interview.”*

8. This Court finds that decision to dispense with interview was taken by Government on 30.09.2016 and it was duly published in newspaper qua posts of Constables. The process of selection of Constables was initiated on 31.05.2016 whereas process of selection of Sub-Inspectors was initiated on 01.09.2016. The decision to dispense with interview was taken with respect to posts of Constables as well as Sub-Inspectors. The petitioner is trying to make hay on the sole ground that public notice to dispense with interview was

published on 21.12.2016 and merit list was released on 20.12.2016. The petitioner is unable to controvert the fact that decision to dispense with interview was taken on 30.09.2016 and it was inconsonance with guidelines issued by Government of India as well as State of Punjab. The petitioner has failed to point out that there was mala fide on the part of respondents or they have violated her fundamental right. The decision to dispense with was applicable to all the candidates. No prejudice has been caused to the petitioner. The selection process stands completed and all the selected candidates more than 05 years back have already joined.

9. In the wake of judgment dated 05.07.2021 passed by a Co-ordinate Bench of this Court in Raghvir Singh’s case (supra) as upheld by a Division Bench of this court, I do not find any infirmity in the decision of State Government to dispense with interview.

10. The petition deserves to be dismissed and accordingly dismissed.

15.04.2024

anju

(JAGMOHAN BANSAL)  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | Yes |