

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)RSA-3986-2015 (O&M)
Date of Decision : February 26, 2024

Sunita Devi.. Appellant

Versus

Haryana State and others.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanchit Punia, Advocate, for the appellant.
Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.
Mr. Abhilaksh Grover, Advocate, for respondent No.4.
Mr. Sushil Sheoran, Advocate, for respondent No.5.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present regular second appeal, the challenge is to the judgment and decrees of the Courts below by which, the claim of the appellant-plaintiff with regard to the grant of appointment as Anganwari Worker in favour of the private respondents has been declined by the trial Court, which order has been upheld by the lower Appellate Court.
2. Learned counsel for the appellant submits that in the present case, the appellant-plaintiff was not required to appear in the interview having preferential right as she was already working with the respondent-Department hence, subjecting her to the selection process once again along with other candidates including the private respondents was bad.
3. It may be noticed that the appellant-plaintiff underwent the selection process and upon failing to get selection/appointment, she had

turned around to claim the preferential right. Once the appellant-plaintiff has participated in the selection process along with others, the said participation itself means that she had foregone her preferential right and therefore, the argument that the appellant-plaintiff had a preferential right for appointment without there being an advertisement or subjecting her to the selection process, cannot be accepted.

4. Learned counsel for the appellant-plaintiff further submits that the selection has not been made in a fair manner as there were discrepancies keeping in view the fact that certain marks given were interpolated.

5. It may be noticed that it has already come on record that there was a criteria fixed for evaluating each candidate. Learned counsel for the appellant has not been able to substantiate that the marks given to the appellant-plaintiff were in any manner less than the criteria fixed by the respondents to evaluate the capability of each candidate.

6. That being the factual position, once the selection has been made on the basis of the criteria, which criteria has been made applicable upon all the candidates including the private respondents as well as the appellant-plaintiff, no grievance can be raised by the appellant-plaintiff.

7. Learned counsel for the appellant-plaintiff submits that keeping in view Ex.P-2, the appellant-plaintiff was not required to undergo the interview process, it may be submitted that as mentioned earlier, once the appellant has submitted to the selection process and her claim was considered while selecting the private respondents, after failing to secure the selection/appointment, the appellant-plaintiff cannot turn around that she should have been appointed straightaway without competing for selection process.

8. The last argument raised by the learned counsel for the

appellant-plaintiff is that the selection of the private respondents was due to mala fide action.

9. On being asked as to who was interested in getting the private respondents selected and whether the said person has been impleaded by name so as to prove the said allegation, learned counsel for the appellant-plaintiff has not been able to show that any specific allegations were alleged against a specific person, who was impleaded in the suit to prove the allegations of mala fide.

10. That being the factual position, the argument that the selection was tainted cannot be accepted.

11. No other argument was raised.

12. Keeping in view the above, as no perversity in the findings recorded by the Courts below could be pointed out by the learned counsel for the appellant-plaintiff keeping in view the evidence and facts, which have come on record, no interference is called for by this Court in the present regular second appeal.

13. Dismissed.

14. Any civil miscellaneous application pending if any, also stands disposed of.

February 26, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No