



CM-4306-CWP-2024 in/&
CWP-26907-2023 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-4306-CWP-2024 in/&
CWP-26907-2023 (O&M)
Date of Decision :31.07.2024

Jaskaran Singh

...Petitioner

Versus

Punjabi University, Patiala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Manveen Kahlon, Advocate for the petitioner.

Mr. Divyansh Vats, Advocate for Mr. H.S. Baath, Advocate
for respondents No.1 and 2.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-4306-CWP-2024

As prayed for, application is allowed.

Written statement filed on behalf of respondent-University is
taken on record.

CWP-26907-2023

In the present petition, grievance being raised by the petitioner
is that keeping in view the qualification which the petitioner possessed, he
is more meritorious than the selected candidate and ignoring the claim of
the petitioner so as to select the private respondent on the post of Graphic
Artist as advertised by respondent-University vide advertisement dated
03.06.2015 (Annexure P-1), the selection process stands vitiated.

Learned counsel for the petitioner argues that private



**CM-4306-CWP-2024 in/&
CWP-26907-2023 (O&M) -2-**

respondent No.3 has been given more marks than the petitioner in the interview, which also reflects that the selection process undertaken by the respondents was not transparent as the petitioner, who is more meritorious than respondent No.3 has not been selected.

Keeping in view the advance copy served, learned counsel for the respondent-University appears and submits that selection has been made by the experts and keeping in view all the facts, selection committee has selected respondent No.3 being more meritorious than the petitioner and hence, no grievance can be raised by the petitioner qua the selection of the private respondent No.3 on the post of Graphic Artist as advertised by respondent-University vide advertisement dated 03.06.2015 (Annexure P-1).

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

It may be noticed that the petitioner is not alleging any malafide or favoritism qua the selection of respondent No.3 in preference to the petitioner but it has been argued that keeping in view the qualification possessed by the petitioner, she should be declared a better candidate as compared to respondent No.3.

The Courts have no jurisdiction to declare any candidate more meritorious than other candidate as the same is the prerogative of the selection Committee, which comprises of the experts. Once, the selection committee after evaluating the candidates has selected respondent No.3 in preference to the petitioner merely that petitioner claims himself more



**CM-4306-CWP-2024 in/&
CWP-26907-2023 (O&M) -3-**

suitable candidate than the respondent No.3, this Court has no jurisdiction to substitute the opinion of the experts with that of Court especially, when there is no malafide has been alleged qua the selection process, hence, the argument of the petitioner that she is more meritorious than respondent No.3 cannot be accepted.

The second argument which has been raised by the learned counsel for the petitioner is that respondent No.3 has been given more marks in the interview as compare to the petitioner, which is arbitrary.

The marks have been given by the experts and in the absence of any allegation of malafide, it is presumed that marks have been given on the basis of the performance of a candidate during the interview. Once, the interviewing committee evaluated the candidates and ultimately selected a better candidate on the basis of his/her performance, merely that respondent No.3 has been given more marks as compare to the petitioner in the interview cannot mean that selection process is bad in any manner.

No other argument has been raised.

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

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

July 31, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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