



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

Sr. No.112

CWP-1598-2025

Date of Decision: 20.03.2025

Shiv Kumar

.... Petitioner

Versus

Nirankari Baba Gurbachan Singh Memorial
College and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYAPresent: Ms. Madhumita Bhattacharjee, Advocate, and
Mr. Anand, Advocate, for the petitioner.**TRIBHUVAN DAHIYA, J. (ORAL)**

The petition has been filed *inter alia* seeking a writ of *certiorari* setting aside the appointment of seventh respondent on the post of Librarian in the first respondent/College pursuant to advertisement dated 13.04.2022, Annexure P-2, as also the merit list/selection committee proceedings, dated 09.07.2022, selecting the seventh respondent.

2. Learned counsel has not been able to refer to the laid down qualifications for the post; no document indicating the requisite qualifications has been placed on record. Learned counsel has referred to an application form for the post of Librarian filled by the seventh respondent, wherein he has shown one of the qualifications as Graduation/Bachelor in Library Science from the MDU, Rohtak, having secured 564 out of 900 marks, which according to her is a diploma course and cannot be considered equivalent to the Bachelor's degree. Therefore, the seventh respondent was not qualified for the post and could not have been selected. *Secondly*, she has referred to synopsis prepared by the College Principal, Annexure P-11,



giving details of marks assigned to different candidates for their qualifications of matriculation, 10+2, Bachelor's and Master's degrees, etc. It shows, the petitioner has been assigned 62.33 marks for matriculation, 63.5 for 10+2, 55.86 for Bachelor's and 75.43 for Master's degrees, whereas the seventh respondent/selected candidate has been given 59.67, 48.6, 50.25 and 61 marks, respectively, for these qualifications. Accordingly, having secured higher marks for all these qualifications, the petitioner is better qualified as compared to the seventh respondent. However, in the interview, the petitioner was assigned only 4.21 out of 12.5 marks, whereas the seventh respondent was assigned 9.36. This is arbitrary, and only due to the higher marks in interview the seventh respondent was selected despite being less meritorious. Learned counsel has also referred to a Supreme Court judgment dated 07.03.2025, rendered in Civil Appeal No.2350 of 2023 titled *State of Assam and others v. Arabinda Rabha and others*, in support of the contentions.

3. Submissions made by learned counsel have been considered.

4. In the absence of essential qualifications being on record, it cannot be ascertained whether the seventh respondent is duly qualified for the post or not. Merely on the basis of an application form wherein the selected candidate has claimed marks for B.Lib. degree, it cannot be ascertained whether he fulfils essential qualification for the post. There is no document on record establishing that it is not a graduation degree. Therefore, on the basis of bald assertion by the learned counsel, seventh respondent cannot be considered lacking in essential qualification of Bachelor's degree. *Secondly*, the petitioner's higher score in essential qualifications of matriculation, 10+2, Bachelor's and Master's degrees, as compared to that of the seventh respondent, cannot in itself be a ground to claim that he is entitled to higher marks in interview also. The selection committee has



assessed knowledge and personality of the candidates, including that of the petitioner and the seventh respondent, and has assigned marks to them which cannot be questioned only on the ground that one of the candidates has secured more marks in essential qualifications. There is no *mala fide* alleged against the members of the selection committee. Besides, higher scores of academic qualifications do not guarantee better performance in interview as well. It is not a case that the marks of interview assigned to the petitioner are abysmally low so as to shock the conscience of the Court warranting interference.

5. Further, reliance placed by the learned counsel on *Arabinda Rabha* case (*supra*) is also misplaced as therein select list had been cancelled by the government itself on account of irregularities, non-compliance of the reservation policies and the settled law. One of the grounds was that the selection was entirely based on interview which admitted an element of arbitrariness. Assessment of candidates solely on the basis of interview marks was considered a reason for drawing a presumption of its misuse for favoritism, and thus suffering from arbitrariness. This view of the government was accepted by the Supreme Court. Such a situation does not arise in the instant case as, undisputedly, the selection of seventh respondent is not based solely on interview, nor could any illegality or irregularity be established in the process of selection.

6. In view thereof, finding no merit in the petition, it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

20.03.2025
Maninder

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