

**CWP-9089-1999 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****102****CWP-9089-1999 (O&M)
Date of Decision :19.03.2025****Paramjit Singh****...Petitioner****Versus****Punjab State Cooperative Bank Ltd. & others****..Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Amit Jain, Senior Advocate with
Mr. Aryaman Thakur, Advocate for the petitioner.

Mr. Ashwani Prashar, Advocate for respondent No.1.

Mr. T.P.S. Chawla, Senior DAG, Punjab for respondent No.2.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance being raised by the petitioner is qua the selection of the private respondents No.3 to 5 on the ground that they were not eligible to be selected to the post of Senior Accountant but still they have been selected by the respondent-Bank in preference to the petitioner, who was fully eligible and better suited and qualified to be appointed on the post in question.

2. Learned counsel for the petitioner argues that the petitioner was not selected by the respondents-Bank only on the ground that initially the petitioner was not treated eligible by the respondents-Bank to compete for the post of Senior Accountant on the ground that he is over age but after the

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Registrar cooperative Society examined the said fact, petitioner was allowed to compete vide order dated 03.05.1999 (Annexure P/4) for the post in question being eligible, hence, all the efforts were made not to select the petitioner and the private respondents No.3 to 5, who were not eligible, have been selected. Hence, the selection of the private respondents No.3 to 5 be set aside and the respondents be directed to select the petitioner on the post in question i.e. Senior Accountant.

3. Upon notice of motion, the respondents have filed reply wherein, it has been stated that initially the petitioner was not being treated eligible as the required age prescribed in the advertisement for the post in question was 18 to 35 years whereas, the petitioner already crossed the said age but as the petitioner was working in Cooperative Institution, the benefit of the said service was given to the petitioner and he was treated eligible by the Registrar. Further, it has been denied by the respondents that the claim regarding selection of the petitioner was not considered on merits and he was rejected with malafide intention.

4. Qua the argument that the respondents No.3 & 4 did not had the required qualification, the respondents have mentioned in their reply that the qualification of Master in Finance & Control (M.F.C.) is a recognized qualification and has been treated equivalent to the MBA Finance and the same has been treated as such keeping in view the fact that the decision was taken by the Registrar Cooperative Society qua the said aspect and as per the Rule 28(1) of the Punjab Cooperative Society Rules, 1963, the Registrar is competent to determine the eligibility and qualification.



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

6. The first argument which has been raised by the learned counsel for the petitioner is that the petitioner has not been selected due to malafides of the respondents.

7. It may be noticed that in the writ petition, no officer of the respondent-Bank has been impleaded as respondent by name or any specific allegation has been alleged against any member of the Committee that the petitioner has been ousted with malafide intention rather the respondents are on record to say that name of the petitioner was considered as per his merit and he was not found meritorious enough to be selected against the post advertised. Keeping in view the said fact, as no malafide has been attached to a particular officer or the member of the selection committee, the said argument of the petitioner cannot be accepted.

8. Further, the claim raised by the petitioner is that respondent No.3 & 4 were not eligible as they were not having the requisite qualification to be appointed on the post in question.

9. The detailed reasons have been given in para-8 of the reply qua the qualification possessed by the respondents No.3 & 4 and the decision taken by the competent authority in view of the prescribed qualification holding them eligible for the post in question. The said averment has not been controverted by the petitioner by filing any replication. Keeping in view the detailed facts mentioned that the respondents No.3 & 4 were eligible as they were holding qualification of Master in Finance and Control (M.F.C.), which qualification has been treated equivalent to MBA,

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no ground is made out to hold that the private respondents No.3 & 4 were ineligible to be appointed on the post in question.

10. Last argument which has been raised by learned counsel for the petitioner is that the petitioner was better suited keeping in view the qualification he possessed and he has wrongly been rejected from being selected on the post in question.

11. It may be noticed that the selection process is within the domain of the employer. Once, the selection committee which includes the experts, evaluated the relevant merit of all the candidates, who were competing for the post in question and decided as to who was better suited for the post in question, this Court is not in a position to substitute their opinion with the opinion of the petitioner that he was better suited candidate to hold the post in question.

12. 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.

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

March 19, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No