

(2013) 07 P&H CK 0833

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 15054 of 2011

Parbhash Chand

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision: July 25, 2013

Hon'ble Judges: M.M.S. Bedi, J

Bench: Single Bench

Advocate: K.S. Banyana, for the Appellant; P.S. Punia, Addl. AG, Haryana, Mr. H.N. Mehtani, Advocate for Respondent No. 2, Mr. Gunjan Rishi, Advocate for Respondent No. 3 and Mr. Sanjiv Gupta, Advocate, for the Respondent

Final Decision: Dismissed

Judgement

M.M.S. Bedi, J.

The petitioner has sought the quashing of selection of respondent No. 3 & 4 on the post of Assistant Engineer (Electrical) in Scheduled Caste category claiming that the selection has been in violation of rules and instructions. The main grievance of the petitioner is that the selection has not been conducted fairly. On the basis of written examination, the petitioner claims to have secured 59 marks and his position in the merit list was 09, whereas, respondent No. 3 & 4 have not even secured the pass marks in the screening test as respondent No. 3 is alleged to have secured 20 marks and respondent No. 4 has secured only 16 marks, and their ranks were 158 and 159 respectively.

2. The claim of the respondent No. 1 is that in view of large number of applications having been received the written screening test was only meant for shorting-listing the candidates for interview. The marks obtained in the written screening test are not to be counted for the final selection. For each category, the candidates, three times the number of posts advertised were called for interview after screening test which was meant for short-listing the candidates to the posts reserved to that category. At the time of calling the candidates, it was found that only 159 candidates belonging to Scheduled Caste category had appeared in the written examination,

whereas, 67 posts were reserved for candidates belonging to Scheduled Caste category. Therefore, the respondent Commission decided that all the candidates of Scheduled Caste category, who appeared in the written screening test be called for interview.

3. In view of the above said circumstances, written screening test was not the criteria to determine the merit. So far as merit is concerned, the criteria for distribution of 100 marks for viva-voce has been equally applied to all the candidates. The criteria has been produced before this Court in a sealed cover, which has been opened. The criteria is reproduced hereunder for ready reference:-

Total Marks of the Viva-voce:	100 Marks
1. Personal Achievements	40 marks
a) Academic Qualifications:	
i) B.Tech.	10 marks
First Division: 10 marks	
Second Division: 07 marks	
ii) Master of Engineering Degree in Electrical/Electrical and Electronics	10 marks
First Division: 10 marks	
Second Division: 05 marks	
iii) Ph.D. Degree in the relevant subject:	05 marks
b) Experience:	10 marks
One mark per completed year of experience in the relevant field after attaining the basic qualification upto the closing date subject to maximum of 10 marks.	
c) Co-curricular Activities:	05 marks
Participation in activities like NCC, NSS, Sports (Only National level), Cultural/Literary/Scientific/Social activity.	
Or	
Published work of high standard in journals of National or International repute. One mark will be given for each publication in National level journal and two marks for each publication in International journal.	
2. Interview:	60 marks

The interview will be conducted through oral discussion and questioning. The questions and discussion will be directed to ascertain the personal qualities, knowledge, awareness, intelligence, presentation, expression, poise, bearing, articulation & speaking ability etc. 60 marks are assigned for the interview with the

following break up:-

i) Knowledge, awareness & general interest etc.	20 marks
ii) Intelligence, initiative, decision making, expression, presentation etc.	20 marks
iii) Poise, bearing, behaviour, adaptability, articulation & other qualities.	20 marks

For the convenience of awarding marks and realistic assessment, a candidate is to be categorised as under by the Expert Advisor and marks to be awarded by the Commission as shown against such gradation for each at (i), (ii) and (iii) above:-

Very Good 13-20 marks

Good 7-12 marks

Average 1-6 marks

A candidate must obtain at least 40% marks in the aggregate of 1 & 2 above to qualify the viva-voce.

4. There does not appear to be any illegality in the distribution of marks of viva-voce as mentioned hereinabove. Moreover, the said criteria has also not been challenged by the petitioner. In order to determine the comparative merit of the petitioner, his score under personal achievement and interview have been examined by me from the results, which have been produced before this Court. The marks obtained by petitioner and respondent No. 3 & 4 under different heads are as follows:-

5. On the determination of the comparative merit of the petitioner, vis-à-vis respondents, I am of the considered opinion that no illegality or irregularity can be pointed out in the process of preparation of merit. The criteria laid down by the Selection Committee has been followed. The petitioner cannot claim higher merit on the basis of the written test, which was an objective type test and was merely meant for short-listing the candidates for interview.

6. Counsel for the petitioner has vehemently contended that excess marks have been given to the selected candidates in the interview.

7. The comparative chart of the marks above indicates that the respondents i.e. the selected candidates have not been able to be selected solely on the basis of the interview marks. Since, the excessive marks have not been earmarked for interview, there is no ground to doubt the legality of the selection criteria, which has been uniformly applied to all the candidates.

8. No ground is made out for interference in the selection process. Dismissed.