

**(2012) 08 P&H CK 0278**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** CWP No. 10673 of 2010

Krishan Kumar Hooda

APPELLANT

Vs

State of Haryana and others

RESPONDENT

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**Date of Decision:** Aug. 21, 2012

**Hon'ble Judges:** Augustine George Masih, J

**Bench:** Single Bench

**Advocate:** Ashwani Talwar, Advocate with Mr. Mohit Malik, for the Appellant; Harish Rathee, D.A.G., Haryana for respondent Nos. 1 and 2, Mr. H.N. Mehtani, Advocate for respondent No. 3 and Mr. Christopher D'souza, Advocate for Mr. Gaurav Singh Hooda, Advocate, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

Augustine George Masih, J.

Petitioner has approached this Court impugning the select list dated 13.4.2010 published in the newspaper on 14.4.2010 (Annexure P1), wherein it is alleged on the ground that petitioner has been given lower marks in the interview than respondent Nos. 4 and 5 facilitating their selection over and above the petitioner. Upon notice having been issued, reply has been filed by the respondents, wherein it has been stated that the stand taken by the respondents is that the interview marks were granted by the Committee as per the performance of the candidates.

2. I have considered the submissions made by counsel for the parties and with their assistance have gone through the records.

3. The allegation made by the petitioner in the present writ petition is that he has been assigned lower marks in interview in comparison to respondent Nos. 4 and 5, who have been selected. No malafide have been alleged in the writ petition. Interview is based upon the performance of the candidate and the committee on the basis of the performance assesses the capability and capacity of the person depending upon the requirement of the post and accordingly assigns marks to the

candidate. Simply because some candidates have been given higher marks than others, cannot be the only basis for challenging selection, especially when there is no malafide alleged against the members of the committee which constitute the interview board.

4. Another assertion which has been put forth by counsel for the petitioner is that criteria for selection has been heavily tilted towards interview and therefore, the possibility of arbitrary action on the part of the committee can be presumed. This assertion of the counsel for the petitioner cannot be accepted in the light of the fact that the post which was being filled up is of the Labour Officer-cum-Conciliation Officer, for such a high ranked post, interview is a suitable mode of assessing the caliber, capacity and capability of the candidate. Grant of more than 50% marks for interview cannot be said to be arbitrary or unjustified. The contentions therefore, raised by the petitioner in the present writ petition are devoid of merits. Writ Petition stands dismissed.