

(2024) 02 SHI CK 0014
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 729 Of 2024

Ankit Sharma

APPELLANT

Vs

High Court Of Himachal Pradesh & Another

RESPONDENT

Date of Decision : 26-02-2024

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2024) 02 SHI CK 0014

Hon'ble Judges : M.S. Ramachandra Rao, CJ; Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Abhinav Ghabroo, Gobind Korla

Final Decision : Dismissed

Judgement

M.S. Ramachandra Rao, CJ

1. The Writ petitioner assails the appointment of respondent no.2 as Protocol Officer in the High Court of Himachal Pradesh and contends that his candidature was rejected on untenable grounds.
2. Admittedly, the High Court of Himachal Pradesh, Shimla had issued advertisement dt. 14th September, 2022 for various posts, including for the post of Protocol Officer-District Judiciary Class-III (UR), and stipulated the Educational qualifications/Eligibility criterion for the same.
3. The petitioner as well as respondent no.2 alongwith others applied pursuant to the said advertisement.
4. One of the eligibility conditions as per the advertisement was that the candidates must qualify typing test with a speed of 30 words per minute in English and 25 words per minute in Hindi on computers. The Recruitment and Promotion Rules 2022, make it clear that the typing test would be merely a qualifying one, and marks obtained therein shall not be counted for determining the final merit.

5. The typing test was admittedly conducted on 2. 07.2023; and on 08.01.2024, the result, alongwith merit list, was declared in which, though the petitioner was shown as having "qualified" in Hindi typing test, he was shown as "not qualified" in English typing test.

6. The petitioner alleges that he had scored more marks (48 marks) than respondent no.2 (who has scored only 45 marks), and so he should have been appointed as Protocol Officer instead of respondent no.2.

7. The petitioner had obtained information under the Right to Information Act, 2005 and his answer script was supplied. It indicated (a) that he had crossed the word limit of 300 words within maximum time limit of 10 minutes and (b) there were several mistakes in the typing test.

8. Learned counsel for the petitioner, however, contends that as per the Recruitment and Promotion Rules he is permitted to make 10% mistakes in the typing test and the same ought to be taken into account and a liberal view has to be taken on the assessment of his typed test.

9. We are afraid that a Writ petition filed under Article 226 of the Constitution permits only a review of the "decision making process", it does not permit "review of the decision" as such. The petitioner appears to be under misconception that this Court in exercise of its jurisdiction under Article 226 of the Constitution of India would review the decision of the High Court in appointing respondent no.2 vis-a-vis himself on merits, which we are afraid we cannot do. If petitioner was found not qualified on ground of either number of mistakes or typing more than 300 words, it is a possible view which cannot be termed arbitrary

10. We are, therefore, unable to grant any relief to the petitioner. Accordingly, the writ petition is dismissed alongwith pending application(s), if any.