

(2003) 08 AHC CK 0023
In the Allahabad High Court
Case No : C.M.W.P. No. 54733 of 2002

Dr. Parmanand and Others	Vs	APPELLANT
State of Uttar Pradesh and Others		RESPONDENT

Date of Decision : 26-08-2003

Acts Referred:

Citation : (2003) 6 AWC 5129

Hon'ble Judges : Umeshwar Pandey, J; M. Katju, J

Bench : Division Bench

Advocate : Anil Bhushan, for the Appellant; Pradeep Kumar, Adv and S.C., for the Respondent

Final Decision : Dismissed

Judgement

M. Katju and Umeshwar Pandey, JJ.—Heard learned Counsel for the parties.

2. Petitioners are challenging the advertisements dated 27.4.2002, Annexure-1 to the writ petition and the Circular dated 31.5.2002, Annexure-15 to the writ petition. By the Circular dated 31.5.2002, the eligibility criteria has been modified for selection to the post of Lecturers.

3. Counter-affidavit has been filed and we have perused the same.

4. As regards, fixation of the eligibility criteria, this is a policy decision and it is well settled that this Court cannot ordinarily interfere with policy decisions, as such decisions are made by the experts in the field.

5. In Smt. Noorjahan v. State of U.P., Writ Petition No. 7455 of 2001, decided by us today, we have held that the Court should exercise restraint in such matters and should not normally interfere with policy decisions.

6. In the aforesaid decision, this Court has referred to a large number of decisions of the Supreme Court on the subject, and hence, it is not necessary for us to refer to those decisions again.

7. Moreover, as stated in para 11 of the short counter-affidavit, Petitioners 1 to 11 are not at all entitled to be called for interview for the Lecturers post for the Scheduled Caste reserved quota categories, as they did not possess minimum 50% marks at graduation level while Petitioner No. 12, although eligible, was not called for interview as he was short listed within his category in the subject of History owing to his lesser merit index.

8. The Respondents have relied on the decisions of this Court in Writ Petition No. 3947 of 2001, decided on 5.2.2001 and Writ Petition No. 14729 of 2001 Dr. Reena Khanna v. Higher Education Services Commission, U.P., decided on 24.4.2001. In the said decisions, it was held that short listing is a valid procedure.

9. In para 12 of the short counter-affidavit, the Respondents have referred to the fraud committed by the Petitioner No. 3, Suresh Chandra who fraudulently mentioned his marks as 456/900, when he actually obtained 438/900.

10. Petitioner dismissed.