
(2018) 06 P&H CK 0036

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 6683, 14516, 15266, 26834 Of 2017 (O&M)

Kiran Bala And Another

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 01-06-2018

Acts Referred:

Citation : (2018) 06 P&H CK 0036

Hon'ble Judges : Sudhir Mittal, J

Bench : Single Bench

Advocate : Vivek Khatri, Kanwal Goyal

Final Decision : Dismissed

Judgement

1. This judgment shall dispose of above-cited writ petitions as common questions of fact and law arise therein. The facts are being extracted from CWP-6683-2017.

2. An advertisement dated 16.02.2016, was issued by the Haryana Public Service Commission, for recruitment to the post of Assistant Professor (College cadre) HES-II, in various subjects. In the subject of Mass Communication, five posts were advertised in General category, one post in BC-A category, one post in BC-B category and one post in the PH (General) (Blind category). In the subject of Defence Studies, two posts were advertised in the General category, five posts in the SC category, one each in BC-A and BC-B category, one in Economically Backward in General category, two in ESM category, one in PH (General) (Ortho) and one in PH (SC) (Ortho). The essential qualification for the post Assistant Professor (Mass Communication) was good academic record with at least 55% marks or equivalent grade at Masters Degree level, knowledge of Hindi/Sanskrit up to Matric and equivalent of National Eligibility Test. The last date for submission of applications online was 15.03.2016.

3. The petitioners, being eligible, applied for the aforementioned posts. They both qualified the written test and were called for scrutiny of documents. After scrutiny of documents, the petitioners were called to appear in the interview.

However, their names did not find mention in the final list of selected candidates. Hence, this writ petition.

4. In the present writ petition, the selection process has been challenged on the grounds; that a) selection has been made without adoption of any selection criteria; b) in the alternative, it is submitted that the selection criteria adopted by the HPSC, is at variance with that adopted by the Department of Higher Education, Haryana and c) the petitioners are more meritorious than the selected candidates and their non-selection, is illegal.

5. Notice of motion was issued vide order dated 30.03.2017. Order dated 10.07.2017 shows that service had been effected prior to that date, but no written statement has been filed till date. Today also, a request for an adjournment has been made for filing written statement, but I have rejected the same.

6. For substantiating the first argument, learned counsel for the petitioners has relied upon letters dated 04.10.2016 (Annexure P-6) and 14.10.2016 (Annexure P-7). These letters have been sent by the State Public Information Officer of the Haryana Public Service Commission and it is mentioned therein that till the date of issuance of the same, no selection criteria has been prepared. However, I cannot accept the submission for the simple reason that the result is on record as Annexure P-10 and it is evident therefrom that a selection criteria had been adopted. 50% marks were awarded on the basis of marks obtained in the written test, 30% marks were awarded for personal achievement and 20% marks were awarded for interview. It is, thus, obvious that although, a selection criteria may not have been adopted as on the dates aforementioned, the same was adopted subsequently and prior to the date of interview, which was held on 01.12.2016. Thus, the contention deserves to be rejected.

7. The next contention is that the criteria adopted by the HPSC is at variance with that adopted by the Department of Higher Education, Haryana. In this regard, reference is made to memo dated 14.03.2017 (Annexure P-12), whereby the Principal Secretary, Government of Haryana, Higher Education Department, has communicated the revised criteria for filling up the vacant sanctioned posts of Assistant Professors and Principals in Government Aided Private Colleges of Haryana. It is true that the criteria mentioned therein is at variance with that adopted by the HPSC in the present selection process however, learned counsel for the petitioners has not been able to establish that the criteria adopted by the Government is binding on the Haryana Public Service Commission. The Haryana Public Service Commission is entitled to lay down its own criteria as it is a Constitutional Authority established for conducting selections to the posts, for which a requisition is sent to it by the concerned department. In this view of the matter, the second argument is also liable to be rejected.

8. The final submission made by learned counsel for the petitioners is that a perusal of the merit list (Annexure P-10) shows that the selected candidates

were less meritorious than the petitioners. Moreover, the selected candidates secured less marks in the written test and were granted higher marks in the interview in a malafide manner so that they could be selected. Both these submissions are baseless. All the selected candidates in the respective categories have secured higher marks than the petitioners in the written test. In fact, some of the selected candidates have secured less marks than the petitioners in the interview and they have been selected on the basis of aggregate marks of written test and interview. Thus, this submission of the learned counsel for the petitioners also has to fail.

9. In view of the above, these writ petitions are without merit and are accordingly dismissed

10. A photocopy of this judgment be placed in the files of the other connected cases.