

(2019) 07 UK CK 0110
In the Uttarakhand High Court
Case No : Special Appeal No. 502 Of 2019

Manju Arya

APPELLANT

Vs

Gomti Puran Prasad Arya Kanya Inter College Ramnagar
District Nainital And Others

RESPONDENT

Date of Decision : 12-07-2019

Acts Referred:

Citation : (2019) 07 UK CK 0110

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : M.S. Tyagi, H.M. Bhatia, Soniya Chawala, C.K. Sharma, Vikas Pandey, Shivangi Gangwar, Devesh Upreti

Final Decision : Dismissed

Judgement

Ramesh Ranganathan, CJ

1. Heard Mr. M.S. Tyagi and Mr. H.M. Bhatia, learned counsel for the appellant, Ms. Soniya Chawala, learned counsel holding brief of Mr. C.K. Sharma, learned counsel for respondent Nos.1 & 2, Mr. Vikas Pandey, learned Standing Counsel for the State of Uttarakhand, Ms. Shivangi Gangwar, learned counsel for respondent No.5, and Mr. Devesh Upreti, learned counsel for respondent No.6.

2. This Special Appeal is preferred against the order passed by leaned Single Judge in WPSS No. 2395 of 2015 dated 12.04.2019, wherein the learned Single Judge noted that, while the respondent-writ petitioner had secured 66.9 marks for educational qualifications, the appellant-sixth respondent had secured only 61.2 marks; however, while the respondent-writ petitioner was awarded 10,10,14 and 10 marks respectively by the four member Interview Committee, the appellant- sixth respondent was awarded 22,20,18 and 24 marks respectively; as a result, while the respondent-writ petitioner secured 77.9 marks (i.e. 66.9 for educational qualifications and 11 marks in interview), the appellant-sixth respondent had secured 82.2 marks (61.2 marks for educational

qualifications and 21 marks in Interview); and, consequently, she was selected.

3. The learned Single Judge, thereafter, referred to the Rules which required that marks for Interview should be given between 10 to 18; and if marks are given lower than 10, and above 18, then special reasons should be recorded. Learned Single Judge also noted that only one member, who had awarded 24 marks to the appellant-sixth respondent, had recorded reasons as "good in conversation" and "well versed in the subject". Holding that the two other members of the interview-board, who had awarded 22 and 20 marks in the interview to the appellant-six respondent, had not assigned any special reasons, therefor, the learned Single Judge set aside the selection process, and directed that the exercise to be redone.

4. In this Special Appeal the appellant-sixth respondent contends that, in fact, it is not just one but three members of the Selection Committee who had recorded special reasons. Mr. M.S. Tyagi, learned counsel appearing on behalf of appellant-sixth respondent would submit that he had an unofficial copy of these proceedings i.e. interview chart which they claim to have secured from the School, albeit after the writ petition was disposed of. We had, by one order dated 05.07.2019, directed the learned Standing Counsel for the State of Uttarakhand to produce the records. Today the records are produced and, admittedly, this document, which the appellant-sixth respondent claims to possess, does not form part of the original record produced before this Court today.

5. Mr. M.S. Tyagi, learned counsel for the appellant-six respondent would, however, insist that the unofficial document in his possession is genuine. We see no reason to cause a detailed enquiry in order to ascertain, why this document relied upon by the appellant-sixth respondent, if genuine, does not form a part of the original record. As, ever according to Mr. M.S. Tyagi, learned Counsel for the appellant-sixth respondent, the document, which they claim to possess, was not available with them at any time before the writ petition was disposed of, it is always open to them to seek review of the order before the learned Single Judge, and bring it to his notice that such a document, which contained crucial reasons recorded by three of the Members of the Interview Committee with them is available.

6. Leaving it open to the appellant to avail her remedy of seeking review, of the order under appeal, before the learned Single Judge, we see no reason to interfere with the order under appeal, in intra-court appellate proceedings.

7. Granting liberty to seek review of the order under appeal, the Special Appeal fails and is, accordingly, dismissed. No costs.