

**(2011) 12 SHI CK 0037**  
**In the High Court Of Himachal Pradesh**  
**Case No : LPA No. 266 of 2011**

Pawan Kumar Thakur

APPELLANT

Vs

Dr. Y.S. Parmar University of Horticulture and Forestry, Nauni,  
District Solan, Himachal Pradesh

RESPONDENT

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**Date of Decision :** 20-12-2011

**Acts Referred:**

**Citation :** (2011) 12 SHI CK 0037

**Hon'ble Judges :** Kurian Joseph, C.J.; Dev Darshan Sood, J

**Bench :** Division Bench

**Final Decision :** Dismissed

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## Judgement

Justice Kurian Joseph, C.J.—The writ petitioner is the appellant. The writ petition was filed with certain grievances regarding selection to the post of Field Assistant in the respondent-University. The allegations were mainly with regard to the mode of selection. The learned Single Judge, having seen the records and referring to the award of marks has rightly held that the award of marks in the interview would depend on the performance of each candidate in the interview and that the marks allotted in the interview are not dis-proportionate to the written test. It was noted that only 25 marks have been allocated for interview out of the total 100 marks. The view taken by the learned Single Judge is certainly a plausible view and therefore, we do not find any merit in the appeal.

2. During the pendency of the appeal, we issued direction to the University to see whether the posts are lying vacant. The learned standing counsel has informed the Court through an affidavit dated 6th December, 2011, that there are 3 posts lying vacant. But, it is pointed out that the waiting list has already expired on 28.6.2010. It is further pointed out that there is no sanction from the State Government to fill up the posts and rather the State Government has imposed ban in filling up the vacant posts. Even assuming that there is no ban also, the petitioner is second in the waiting list and only one post will go to the general category of the three. In that view of the matter, the appellant will not

be the beneficiary. For all the above reasons, the appeal is dismissed, so also the pending application(s), if any.