
(2012) 03 P&H CK 0028
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 5528 of 2012

Punam Devi

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 26-03-2012

Acts Referred:

Citation : (2012) 03 P&H CK 0028

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Kul Bhushan Sharma, for the Appellant;

Final Decision : Dismissed

Judgement

K. Kannan J.—Both the writ petitions challenge the non-selection of the respective petitioners, who claim that they have not been properly appraised in the manner of relative merit with the selected candidates to the post of Drawing Teacher. The total marks were 100, out of which 60 marks were for academic performance that included marks in 10+2, Diploma in Art & Craft, 5 marks for higher qualification as B.A./B.Sc/B.Com, 10 marks for teaching experience, 3 marks for co-curricular activities, 2 marks for sports and 20 marks for interview. The contention of the petitioner in C.W.P. No. 5528 of 2012 is that she has held several exhibitions and the brochure has also been filed giving out the details of her proficiency in photography. She has been awarded 52.41 marks that includes 5 marks in the interview and no mark for extra-curricular activity. I am prepared to take that she must have been given 3 marks, which are the maximum marks that could be awarded for the extra curricular activity. In that case the tally would be 55.41. As regards the petition in C.W.P. No. 5613 of 2012, the petitioner's grievance is that she is academically very good and she has been assigned marks 54.04 and she has been awarded only 3 marks and has not been given any mark for sports. Actually, she has been awarded 1 mark sports. I am prepared to say that even if 2 marks had been given to her instead of 1, which are the maximum marks, she would have got

2. The counsel says that the selected candidate Amit Kumar had a total tally of 57.67 and had academically lower in performance but he has been awarded 19 marks for the interview and that has been done only because he had a relative in the managing committee. If the total relative assessment in the interview comes higher for the selected candidate than for the respective petitioners, the mere fact that they had better academic qualification ought not to be taken as causing a suspicion about the manner of assessment at the interview. The Court's power to intervene on the issue of how the appraisal must have been done at the interview is very limited and indeed does not exist at all, unless it is a case of clear prejudice of a person, who ought not to have been present in the interview committee and he was still present. It is not contended by the petitioner that any one in the interview committee had any personal relationship with the selected candidate. The fact that the selected candidate had an immediate relationship with the managing committee member ought not to be taken by the Court as causing suspicion about entire interview process.

3. Learned counsel for the petitioner says that the selected candidate has relied on a bogus certificate issued by the Tennikoit Federation of India and organized by the Tamil Nadu Tennikoit Association. The petitioner doubts the genuineness of the certificate but I have only his oral assertion to stake his claim and there is nothing credible about his contention that this certificate is bogus. I do not find that the selection made could be challenged at the instance of the respective petitioners. The writ petitions ought to fail and they are accordingly dismissed.