
(2010) 12 SHI CK 0312
In the High Court Of Himachal Pradesh
Case No : CWP No. 2866 of 2010

Rajesh Kumar

APPELLANT

Vs

Himachal Pradesh Vidhan Sabha and Another

RESPONDENT

Date of Decision : 02-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0312

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Surjit Singh, J.—Petitioner is aggrieved by the selection of Respondent No. 2 Chaman Raj, by Respondent No. 1 Himachal Pradesh Vidhan Sabha, for the post of driver, which was advertised vide Annexure P-1. The post was reserved for Scheduled Caste candidate. Both the Petitioner and Respondent No. 2, who belong to Scheduled Caste category, applied for the post alongwith several other persons. Driving test was conducted, in which the Petitioner scored Grade-A. Grade of Respondent No. 2 was B in the said test. Interviews were held, in which Whether reporters of the local papers may be allowed to see the judgment ??? Petitioner was given Grade-B and Respondent?s Grade was A. At the time of preparation of final list, copy Annexure R-1/A, grades were converted into marks. Petitioner?s ?A? grade, in driving test, was converted into 8.5 marks while Respondent?s ?B? grade in driving test was converted into 8.4 marks. As regards interview, Respondent?s ?A? grade was converted into 8.6 marks and Petitioner?s ?B? grade into 7.5 marks. Thus the total score of the Petitioner was 16 marks while that of Respondent No. 2, 17 marks. Petitioner has challenged the selection of Respondent No. 2, who has since been appointed as driver, vide order dated 12th May, 2010, copy Annexure R-1/B.

2. I have heard learned Counsel for the parties and gone through the record.

3. Learned Counsel for the Petitioner submits that when Petitioner?s ?A? grade in

driving test, was treated equivalent to 8.5 marks, how could Respondent's 'A' grade in interview have been changed into 8.6 marks. Similarly, according to him, when Respondent's 'B' grade, in driving test was changed into 8.4 marks, how could the Petitioner's 'B' grade in interview have been changed into 7.5 marks. He says that while changing grading into marks, same marks were required to be awarded for 'A' and 'B' grades, in respect of both the tests. Even if the '3' submission made by the Petitioner be accepted, the net result would be almost the same. Respondent No. 2 is senior in age to the Petitioner. Normal rule is that when the score of two persons is equal, senior in age is placed above the one who is junior in age.

4. In view of above stated position, present petition is dismissed.