



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**LPA No.776 of 2025
Date of Decision: 06.05.2025**

Puneet Kumar and another

.....Appellants.

Versus

Haryana Staff Selection Commission and others

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Rakshit Gupta, Advocates
for the appellants.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Notice of motion to respondents No.1 and 2 only.
2. Mr. Vivek Chauhan, learned Additional Advocate General, Haryana, accepts notice on behalf of respondents No.1 and 2.
3. At the outset, it is candidly admitted that the writ petition bearing ***CWP No.16724 of 2011*** preferred by the appellants must not have been dismissed by the learned Single Judge vide impugned judgment dated 06.02.2025 on the ground of the same being pending for 15 years and the respondents' appointment could not be upheld merely because they have been working for 15 years and have gained rich experience. More so, as it is a case where, earlier, the writ petition was allowed by the learned Single Judge vide judgment dated 11.03.2014 and the case travelled to the Division Bench where ***LPA Nos.697 and 826 of 2014*** were allowed and



the case was remanded back to the learned Single Judge for afresh adjudication in accordance with law. The Division Bench vide its judgment dated 26.04.2016 has made the following observations:-

“6. It may be seen that the selection has been set-aside on the basis of suspicion, the foundation whereof lies in the allocation of higher marks for interview to the “selected candidates” as compared the lower marks given to “non-selected candidates”.

7. On a query by us, it is fairly stated by learned counsel for the writ-petitioners/respondents that there are no allegations of either any favourable bias in selecting the candidates or to prejudice against the non-selected candidates. The members of the Commission who interviewed the candidates were not made party-respondents.

8. The learned Single Judge may not be right in assuming that as if 75 marks are sought for competitive examination. The instant case is not a selection on the basis of written examination followed by viva-voce. It is a selection purely on the basis of interview. While the Commission is obligated to lay down a fair, transparent and merit-oriented criteria, the Courts may not have the expertise to command the Commission to lay down the criteria on case to case basis. Such an exercise has to be left to the wisdom of the Commission, save it satisfies the test of Articles 14 & 16 of the Constitution.

9. It is submitted that since the learned Single Judge did not consider the contention, namely, that the criteria does not satisfy the test of Articles 14 & 16 of the Constitution or that it could be mis-used to



select or reject a candidate arbitrarily, the matter may be remitted to the learned Single Judge for reconsideration.

10. *We find some merit in the contention, for the learned Single Judge has not minutely considered the justification or validity of the selection criteria.*

11. *In view of the above discussion, the order passed by the learned Single Judge is not sustainable as the matter requires reconsideration. Consequently, the writ petitions are allowed in part; the order dated 11.03.2014 passed by the learned Single Judge is set-aside and the matter is remitted to the learned Single Judge for afresh adjudication in accordance with law.”*

4. Thus, taking into note of the order passed by the Division Bench, the learned Single Judge also had decided the case on merits vide impugned judgment dated 06.02.2025. Since in view of the recent pronouncement of the Apex Court that a Division Bench ought not remand the matters to the Single Judge. The Single Judge being not subordinate to the Division Bench in cases relating to the writ jurisdiction, we do not propose to remand the matter to the learned Single Judge, as has been affirmed by the Hon’ble Supreme Court in ***Life Insurance Corporation of India Vs. Nandini J. Shah, 2018(3) SCALE 197.***

5. However, we have heard learned counsel for the appellants as well as learned State counsel for respondents No.1 and 2 on merits.

6. The main contention of learned counsel for the appellants-writ petitioners is that the selection process adopted at the time of interview was not in accordance with law. It is an admitted position that the selection



process for the post of Sanitary Inspector was based on awarding of 50 marks for academic qualification and 25 marks for interview. The appellants as well as the respondents participated in the interview and on the basis of the total marks obtained, the respondents were selected. It is the contention of the appellants-writ petitioners that they were possessing higher qualification and the respondents had very low marks even in matriculation and 10+2 compared to them and at the time of interview, they have been awarded marks in excess resulting in their selection and ousting of the appellants-writ petitioners.

7. Learned counsel for the appellants submits that the criteria of awarding marks for arriving at the total marks in academic qualification was unjustified.

8. We have noticed the argument only for the purpose of rejecting the same as we find that the said process is a part of the selection process adopted by the respondent-Commission which applies equally to all. Once the petitioners themselves admit that their educational qualification which they acquired (one of them is post-graduate and having also done BCA), they cannot take a contrary stand of the criteria of academic standards. At the same time, we find that the allegation of being allotted low marks in the interview viz. a viz. others, who have been selected, is also without any basis. The marks allotted in the interview are solely based on the performance and the assessment of the interviewing Authority with regard to the suitability of that candidate for the post. The yardsticks for such selection have to be decided by the concerned interviewing Authority alone. No judicial review can be done with regard



to the marks granted in interview unless there is any allegation of *mala-fide* against the person who has conducted the *viva-voce*. We note that in the earlier litigation before this Court (*supra*), the Division Bench had noticed that there is no such allegation of favourable bias to any particular candidate.

9. In view thereto, there is no reason for us to interfere with the marks allotted in the *viva-voce*/interview. The writ petition, therefore, fails on merits. The present appeal, accordingly, also stands dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

May 06, 2025
Yag Dutt

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No