



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

LPA No.2050 of 2024

Date of Decision: 21.01.2025

Pinki Sharma

...Appellant

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Shalender Mohan, Advocate
for the appellant.

Mr. Sanjeev Kaushik, Addl. A.G., Haryana.

SANJEEV PRAKASH SHARMA, J.(Oral)

We have heard learned counsel for the appellant at length, whereby he assails the judgment passed by learned Single Judge dated 16.05.2024, rejecting the writ petition filed by the appellant-writ petitioner.

2. Learned counsel for the appellant submits that the writ petitioner had applied for the post of Lecturer in Hindi (College Cadre) and after applying, she was interviewed on 28.08.1997 but was not selected. The post was also left vacant. He further submits that the writ petitioner had been promptly denied selection on the post. It is his further submission that the criteria framed by the Commission on 01.04.1997 for conducting the viva-voce examination was not disclosed to the candidates which had resulted in vitiating the entire selection process. He submits that the total marks for examination were fixed as 100 out of which 75 were for interview to test the



candidate's subject knowledge, intelligence, awareness, expression etc. while 25 marks were fixed for the educational qualification acquired by the candidates. He submits that such a criteria adopted by the Commission ought to have been disclosed so that the candidates would know as to what can be their assessments. It is his further grievance that 75% marks could not have been allotted solely for the interview. He also submits that learned Single Judge has failed to take into consideration that the rule has been changed after the advertisement.

3. We have considered the submissions. We find that the advertisement was issued in the year 1995 which disclosed that the selection sought to be conducted based on viva-voce test. The writ petitioner with open eyes participated in the selection process knowing fully well that her selection would be made solely on the basis of the marks allotted to her in viva-voce test. Merely because a criteria of allotting marks in viva-voce test was prepared by the Commission which was exclusively for the persons who would conduct the viva-voce examination, the selection cannot be said to be vitiated in law. Learned Single Judge has also noticed that while participating in the selection process, the petitioner did not challenge the selection which was being conducted solely on the basis of viva-voce examination. He has relied on the judgment passed in *Tajvir Singh Sodhi and others vs. State of Jammu and Kashmir and others, 2023 SCC (Online) SC 344* in support of the view taken by him. We have no reason to differ from learned Single Judge on the said aspect.

4. As regards the change of rule of game, we find that the criteria of selection dated 01.04.1997 is an internal communication to the



intervening authority that does not change the rule of the game as the candidates were having full knowledge that the entire selection process is to be conducted solely on viva-voce examination. No written examination was added subsequently. Thus, the afore-said argument raised by learned counsel for the appellant is also misconceived. We also find that there is no allegation of *mala-fide* against any of the members of the selection committee. If the petitioner has not been able to make it in the selection, she cannot turn around and force her selection merely because there were posts lying vacant. The appeal is misconceived and the order passed by learned Single Judge does not warrant any interference.

5. Dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

21.01.2025
neetu

(MEENAKSHI I. MEHTA)
JUDGE

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