



CWP-14532-2013 & CWP-9591-2018

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

262 (2 cases)

CWP-14532-2013

Date of Decision: 26.08.2025

Meenakshi Sharma

...Petitioner

Versus

Panjab University and others

...Respondents

And

CWP-9591-2018

Sweety Behal

...Petitioner

Versus

Panjab University and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Jatinder Pal Singh, Advocate for the petitioner
(in CWP-14532-2013)

Mr. Aman Sharma, Advocate for the petitioner
(in CWP-9591-2018)

Mr. Arun K. Bakshi, Advocate and
Mr. Subash Ahuja, Advocate for respondent No.1

Mr. R.K. Malik, Senior Advocate, Senior Advocate with
Mr. Samrat Malik, Advocate and
Mr. Sandeep Dhull, Advocate for respondent Nos.2 to 7, 9 to
18, 21 to 30, 32 to 48, 50 to 61, 63 to 83, 85 to 89, 92 to 96, 98
to 101, 103 to 123, 125 to 168, 170 to 188, 190, 192 to 202, 206
to 224, 226 to 229, 231, 233, 234 in CWP-14532-2013 and for
respondent Nos.235, 237 to 244, 246, 247, 249 to 252, 254 to
265, 267 to 269, 271 to 279, 281, 282, 285 to 287, 289, 291,
293 to 304, 306 and 308 in CWP-9591-2018

Mr. Dinesh Kumar, Advocate and
Mr. Arvind Galav, Advocate for respondent Nos.8, 20, 49, 84,
124, 169, 204, 225, 230, 310 to 320

Ms. Guneet Kaur, Advocate for respondent No.19
(in CWP-14532-2013)



Ms. Mansi, Advocate
for Mr. Padam Kant Dwivedi, Advocate for respondent No.280
in CWP-14532-2013 and CWP-9594-2018

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP-14532-2013*.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of selection of Clerk-cum-Data Entry Operator.

3. The petitioner, pursuant to advertisement, applied for the post of Clerk-cum-Data Entry Operator. The respondent in the advertisement did not give bifurcation of marks, however, at a later stage, divided total marks i.e. 100 into three components i.e. written test, interview and experience. 70 marks were earmarked for written test, 20 for interview and 10 for experience. The total posts advertised were 311 which included 233 for General Category. The petitioner's rank was 493 under General Category. She could not be selected on account of 233 seats for General Category candidates.

4. Learned counsel for the petitioner submits that in the advertisement, no bifurcation of marks was underscored. The intention of the respondent was to favour few candidates particularly who were already working in the University. The respondent adopted *modus operandi* of earmarking 10 marks for experience and 20 for interview. As per judgment



of Hon'ble Supreme Court in *Ajay Hasia and others v. Khalid Mujib Sehravardi and other, (1981) 1 SCC 722* and *Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1*, the respondent could not earmark more than 15% marks for interview whereas respondent earmarked 20% marks. The marks of experience were also part of interview, thus, virtually 30% marks were earmarked for viva-voce. The respondent in the interview did not disclose bifurcation of marks and its decision to bifurcate marks at a later stage was in violation of recent judgment of Hon'ble Supreme Court in *Tej Prakash Pathak and others v. Rajasthan High Court and others, (2025) 2 SCC 1*.

5. *Per contra*, learned counsel for the respondents submit that petitioner scored 55.9 marks and her rank was 493 under General Category. Only 233 seats were allocated to General Category candidates, thus, the petitioner, in any case, could not be selected. In the advertisement, it was mentioned that there would be written test, interview and candidates would have to submit experience certificates. There was no bifurcation of marks *qua* written test, interview and experience, thus, there was vacuum and it is settled proposition of law that in the absence of specific provision, the Recruitment Board may adopt procedure as per demand of the situation. The procedure adopted by Recruitment Board was not unjust, unfair and inequitable. Every candidate who passed written test was called for interview and his documents were considered for marks of experience.

6. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.



7. From the perusal of record, it is evident that selection process completed in 2013 and all the selected candidates have already joined. It is not case of the petitioner that she was in waiting list and could be selected had there been little variation in the marks *qua* interview or experience. The petitioner was at Serial No.493 in General Category and 233 seats were meant for General Category candidates. The petitioner duly participated in the selection process which included interview. No objection was raised at the stage of interview. In the advertisement, it was prescribed that candidates will have to submit experience certificate(s). It is true that respondent did not disclose bifurcation of marks. It led to absolute discretion of Recruitment Board. The petitioner is claiming that she was not awarded marks of experience and was awarded minimum possible marks in the interview. The candidates who were already working in the University were awarded maximum permissible marks for both of interview and experience. There is nothing on record to hold that there was fraud on the part of Recruitment Board. In the absence of bifurcation of marks, the Board decided to earmark marks, as per requirement of the day. This Court cannot adjudicate validity of quantum of marks awarded to candidates. It is the Recruitment Board which is best agency to determine marks of the candidates.

8. The selected candidates have already joined. Any order with respect to marks of experience or interview would disturb career of already selected candidates. There is no fraud on their part. A period of more than a decade from date of joining has passed away.

9. A five Judge Bench of Hon'ble Supreme Court in *Sivanandan C.T. and Others v. High Court of Kerala and Others, 2023 SCC OnLine*



SC 994 though held that appointment of judicial officers by Kerala High Court was bad in law, however, did not disturb appointment on the ground that already appointed officers have already served for nearly six years and gained experience. It would deprive the State and its citizens the benefit of experienced judicial officers. The relevant extracts of the judgment read as:

“60. The following are our conclusions in view of the above discussions:

(i) The principles of good administration require that the decisions of public authorities must withstand the test of consistency, transparency, and predictability to avoid being termed as arbitrary and violative of Article 14;

(ii) An individual who claims a benefit or entitlement based on the doctrine of substantive legitimate expectation has to establish the following : (i) the legitimacy of the expectation; and that (ii) the denial of the legitimate expectation led to a violation of Article 14;

(iii) A public authority must objectively demonstrate by placing relevant material before the court that its decision was in the public interest to frustrate a claim of legitimate expectation;

(iv) The decision of the High Court of Kerala to apply a minimum cut-off to the viva voce examination is contrary to Rule 2(c)(iii) of the 1961 Rules.

(v) The High Court's decision to apply the minimum cut-off marks for the viva voce frustrates the substantive legitimate expectation of the petitioners. The decision is arbitrary and violative of Article 14.

(vi) In terms of relief, we hold that it would be contrary to the public interest to direct the induction of the petitioners into the Higher Judicial Service after the



lapse of more than six years. Candidates who have been selected nearly six years ago cannot be unseated. They were all qualified and have been serving the district judiciary of the state. Unseating them at this stage would be contrary to public interest. To induct the petitioners would be to bring in new candidates in preference to those who are holding judicial office for a length of time. To deprive the state and its citizens of the benefit of these experienced judicial officers at a senior position would not be in public interest.”

10. In the case in hand, a period of more than a decade from date of joining of private respondents has elapsed. They must have gained rich experience. Any direction pertaining to award of marks for experience or interview, at this stage, would risk career of candidates who have already been selected. This would neither be in the interest of public nor official respondents. The present case is squarely covered by afore-cited judgment of Hon’ble Supreme Court.

11. In the wake of above discussion & findings and judgment of Hon’ble Supreme Court, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

26.08.2025
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No