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HARJINDER SINGH SODHI
v.
STATE OF PUNJAB AND ORS.

SEPTEMBER 23, 1996

B

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Service Law:

C

Punjab Civil Services Executive Branch—Selection to—Public Service Commission and Government applying the principle of 50% marks for the record and 50% for the interview—Held: Since no written examination was conducted for consideration of the claims of candidates, the principle adopted is not arbitrary—Government rightly did not consider the case for selection for subsequent vacancies which would affect the candidates who qualified later.

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CIVIL APPELLATE JURISDICTION : Special Leave Petition (C) No.14737 of 1996.

From the Judgment and Order dated 29.1.96 of the Punjab & Haryana High Court in C.W.P. No. 4882 of 1995.

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Arvind Kr. Shukla and Irshad Ahmad for the Petitioner.

The following Order of the Court was delivered :

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This special leave petition is filed against the order of the Division Bench of the Punjab and Haryana High Court made on January 29, 1996 in W.P. No. 4882/95. No doubt, pursuant to the direction issued by this Court on the earlier occasion on November 25, 1994, the case of the petitioner was considered but he was not selected by the Punjab Public Service Commission to Punjab Civil Services Executive Branch. Three contentions have been raised by the learned counsel for the petitioner firstly, that when this Court had directed to consider the case of the Petitioner vis-a-vis others, the Public Service Commission should have evaluated the respective merit and found whether the petitioner is more meritorious over those persons but that was not done. We find no force in the contention. A counter-affidavit has been filed by the Public Service Commission in the High Court in which it was pointed out that the relevant merit of the 12th respondent vis-a-vis the petitioner was considered and

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she was found to be more meritorious. The second contention was that the Public Service Commission having found him eligible, called on the government to find whether there is an additional vacant post which would show that petitioner was more meritorious. There was an additional post vacant but the Government had given false statement that the post was not available. We find no force in the contention. Admittedly, having been sought for nomination to the posts available in 1991, merit has to be considered only among the candidates for appointment to nine posts arose in 1991. Therefore, Government have rightly did not consider the case for selection for subsequent vacancies which would effect the candidates who became qualified later. It is then contended that 50% of the marks were allotted to the interview and 50% marks were allotted for the record. Allotment of 50% for interview is arbitrary in view of the law laid down by this Court. We find no force in the contention. It is not the case that any written examination was conducted for consideration of the claims of the parties. Accordingly, the Public Service Commission and the Government have applied the principle of keeping 50% marks for the record and 50% for the interview. Under those circumstances, we do not find any illegality in the order passed by the High Court.

The SLP is accordingly dismissed.

G.N.

Petition dismissed.