

Harjinder Singh Sodhi

Vs

State of Punjab and Others

SLP (C) No. 14737 of 1996

(K. Ramaswamy, G. B. Pattanaik JJ)

23.09.1996

ORDER

1. This special leave petition is filed against the order of the Division Bench of the Punjab and Haryana High Court made on 29-1-1996 in WP No. 4882 of 1995. No doubt, pursuant to the direction issued by this Court on the earlier occasion on 25-11-1994, 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 out 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 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 the 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 which arose in 1991. Therefore, the Government rightly did not consider the case for selection for subsequent vacancies which would affect 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.

2. The SLP is accordingly discussed.