

Before K.Kannan, J.

KARAMJIT SINGH AND ANOTHERS,—Petitioners

versus

**PUNJABI UNIVERSITY, PATIALA THROUGH ITS
REGISTRAR AND OTHERS,—Respondents**

CWP No.16457 of 2010

25th January, 2012

Constitution of India, 1950 - Art. 226/227 - Right to Information Act, 2005 - Selection made to posts of Shop Attendants - Information sought under Right to Information Act revealed that no marks had been awarded but selection was made on the basis of performance - Writ allowed - Selection set aside holding that there ought to be objective material for the court to see whether such selection conformed to fairness.

Held, Even if a selection were to be made on performance, there ought to be objective materials for the Court to see whether such selection conformed to fairness in the manner required to obtain for any conduct of public authority and that would specify the principle of Article 14 of the Constitution. Unfortunately, there exists none and it is not possible to uphold the selection adopted.

(Para 1)

Further held, that the selection of the private respondents is quashed and the University is directed to finalize a fresh selection after framing appropriate criteria for assessing the relative merits of the candidates from amongst persons, who had been short listed for the selection held on 31st July, 2009.

(Para 3)

HC Arora, Advocate, *for the petitioners.*

Kanwaljit Singh, Sr. Advocate with IPS Mangat, Advocate, for respondents No.1 and 2.

Jasjeet Singh, Advocate, for respondents No.3 and 4.

Gagandeep Grewal, Advocate, for respondent No.5.

SS Gill, Advocate, for respondent No.6.

K. KANNAN, J. (ORAL)

(1) Both the writ petitions address the same issued containing a challenge to the manner of selection to the posts of Shop Attendants. To a query sought at the instance of the petitioners through RTI seeking for information for the norms or criteria adopted for the selection, the response by the University was that no marks had been awarded but the selection had been made on the basis of performance. Even if a selection were to be made on performance, there ought to be objective materials for the Court to see whether such selection conformed to fairness in the manner required to obtain for any conduct of public authority and that would specify the principle of Article 14 of the Constitution. Unfortunately, there exists none and it is not possible to uphold the selection adopted.

(2) The counsel for the respondents stated that in the manner of short-listing, there had been surely norms declared but only in the final choice they had not been noted. The private respondents contend that they have been in employment for more than 2 years but I would not find this objection to be relevant for allowing them to continue when the selection is *per se faulty*.

(3) The selection of the private respondents is quashed and the University is directed to finalize a fresh selection after framing appropriate criteria for assessing the relative merits of the candidates from amongst persons, who had been shortlisted for the selection held on 31st July, 2009. The entire process shall be completed within a period of 3 months from the date of receipt of copy of the order.

(4) The writ petition is allowed with the above direction.

J.S. Mehndiratta