

Before Hemant Gupta and Mohinder Pal JJ

MON AGGROYIA,—Petitioner

versus

**MUNICIPAL CORPORATION CHANDIGARH
AND OTHERS,—Respondents**

C.W.P. No. 8276 of 2006

25th April, 2008

Constitution of India, 1950—Arts. 226—Irregularities and illegalities in selection and appointment of Drivers in Municipal Corporation—Challenge thereto—Marks allotted for educational qualifications scrapped by respondents—No difference in awarding marks for driving test and interview by Selection Committee between selected candidates and some non-selected candidates—Some failed candidates in physical test declared pass on appeal—No provision of filing appeal once candidate failing in physical test nor mentioned in advertisement—Once process of selection starts prescribed selection criteria cannot be changed nor norms of selection altered—Entire selection process of Drivers held to be vitiated—Petitions allowed and entire selection quashed.

Held, that various candidates were allowed to participate in the reheld physical test on their appeals. Some of them failed in the same and some passed. We also perused the 'Result sheet of candidates for the posts of Drivers' and it revealed that out of 25 marks allocated for Driving Test, there is not much difference in the marks awarded by the Selection Committee to the selected candidates and to some of the candidates who had not been selected. Similarly, there is also not much difference in the awarding of 15 marks allocated for interview between the selected and some of the non-selected candidates.

(Para 20)

Further held, that there is no provision of filing appeal once the candidate had failed in the Physical Test. Nothing about filing appeal was mentioned in the advertisement. This has clearly been done to select the

candidates of choice by ignoring the deserving ones. This was done not only in violation of the well-settled law that once the process of selection starts, the prescribed selection criteria cannot be changed nor norms of selection can be altered, but was done after the candidates had failed in the physical test.

(Para 26)

Further held, that the Joint Commissioner, Municipal Corporation, Chandigarh, was instrumental in allowing the appeals of candidates who had failed in the Physical Tests and were later on selected, as all the appeals were addressed to him, we have no hesitation in holding that the selection process has been vitiated. It is not understandable as to how it occurred to the candidates who had failed in the Physical Test that they could file appeals before the Joint Commissioner, Municipal Corporation, Chandigarh, when nothing was mentioned about it in the advertisement.

(Para 29)

Gunjan Mehta, Advocate, *for the petitioner.*

Lisa Gill, Advocate, *for respondents Nos. 1 to 3*

R.K. Malik, Senior Advocate, with Nigam Bhardwaj, Advocate,
for respondents Nos. 4 to 17

Civil Writ Petition No. 10275 of 2006

KAPIL,—*Petitioner*

versus

MUNICIPAL CORPORATION, CHANDIGARH,
THROUGH ITS COMMISSIONER
AND OTHERS,—*Respondents*

Anil Rathee, Advocate, *for the petitioner.*

Sanjiv Ghai, Advocate, *for the respondents Nos. 1 to 2.*

R.K. Malik, Senior Advocate, with Nigam Bhardwaj,
Advocate, *for respondents Nos. 3 to 7.*

Civil Writ Petition No. 13365 of 2006

BALJINDER SINGH,—*Petitioner*

versus

MUNICIPAL CORPORATION, CHANDIGARH,
THROUGH ITS COMMISSIONER
AND OTHERS,—*Respondents*

N. K. Nagar, Advocate, *for the petitioner.*

Lisa Gill Advocate, *for respondent No. 1.*

None for *respondent No. 2.*

MOHINDER PAL, J.

(1) By this common judgment, the afore-stated three Civil Writ Petitions are being disposed of as the challenge made therein is to the selections and appointments of Drivers in the Fire Wing of Municipal Corporation, Chandigarh, (hereinafter referred to as 'the Corporation') effected in response to the advertisement (Annexure P-1 in all the three writ petitions).

(2) The facts, as set out in each writ petition, are as under :

Civil Writ Petition No. 8276 of 2006

(3) The Municipal Corporation, Chandigarh (respondent No. 1) invited applications for fifteen posts of Drivers for its Fire Wing,—*vide* advertisement dated 30th July, 2005. The petitioner, who belongs to a Backward Class, applied for the same. Five posts were reserved for the category of Backward Class candidates. It is averred that the petitioner remained an outstanding sportsman. He participated in the North Zone Inter University Football Championship while pursuing his degree of Bachelor of

Sports and Humanities from Chaudhary Charan Singh Haryana Agricultural University, Hissar (a College of Sports). In this regard, petitioner has placed on record Certificate Annexure P-3. He completed the Degree of Bachelor of Sports and Humanities in July, 1998 by securing Second Division. Copy of Degree has been placed on record as Annexure P-4. The petitioner also completed his Diploma in Computer Education from M.S. Office and Internet, which is a recognized institution by the Haryana Education Society. Certificate in this regard is Annexure P-5 with the writ petition. The petitioner learned driving from Driver Training School, Haryana Roadways Central Workshop, Hissar, from 1st December, 1988 to 31st December, 1998 as per certificate issued by the General manager (Technical), Haryana Roadways, Central Workshop, Hissar (Annexure P-6). According to this Certificate, the petitioner underwent the Course of Training in Driving of Haryana Transport Vehicles according to the syllabus prescribed satisfactorily. As per certificate (Annexure P-7) issued by the Chief/Regional Co-ordinator, Patroleum Conservation Research Association (Under Ministry of Petroleum and Natural Gas), a Government of India's undertaking, the petitioner also successfully completed Training Programming on efficient Driving Techniques and Diesel Conservation. The petitioner is a holder of valid driving licence for driving heavy goods vehicles as well as heavy passenger motor vehicles. He worked as a Bus Driver with the Godara Bus Service, Hisar, on local routes from 12th January, 1999 to 8th October, 2003. Presently, he is employed as a Driver on contract basis in the Haryana Roadways. He is deployed on the long route passenger bases and is driving in between Chandigarh-Hissar-Chandigarh. Certificate issued by the Godara Bus Service, Hissar, is annexed as Annexure P-9 and Certificate issued by the General Manager, Haryana Roadways, Chandigarh, is annexed as Annexure P-6 with the writ petition.

(4) It is averred in the writ petition that the petitioner was interviewed by Mr. H.S. Kandhola, P.C.S., Joint Commissioner-cum-Secretary, having additional charge as Chief Fire Officer of the Corporation (respondent No. 3). At the time of interview, no technical person was associated and the Interview Committee was of any one person i.e. respondent No. 3. The Driving Test was also conducted in the presence of one Driver and a Clerk. No procedure for allotting separate marks for different driving skills were

ear-marked. No criteria was adopted for the purpose of selecting deserving and meritorious candidates. According to the petitioner, he fared very well in the driving test and interview.

(5) It is the case of the petitioner that none of the candidates selected under the reserved category of Backward Classes, possessed the certificate of having participated in sports. The petitioner was the only candidate possessing the Graduation Degree. Gurvinder Singh (respondent No. 10), selected under the category of the petitioner, is only 8th Pass. Rakesh Kumar (respondent No. 11), another selected candidate, who belongs to Other Backward Classes ('O.B.C.') is Matriculate. Hari Kesh (respondent No. 12), selected candidate belonging to O.B.C., is also only Middle Pass and has no experience of driving heavy vehicles as compared to the experience possessed by the petitioner.

(6) It is also pleaded that the only reason for selecting the non-deserving and inexperienced candidates for the posts in question is that the brother of Mr. H.S. Kandhola (respondent No. 3), namely, Mr. Harbans Singh Khandola, who is a local politician, belongs to Village Bhagwantpura, District Ropar, was interested in the appointments of persons belonging to his area. Out of the fifteen selected candidates, eight belong to Ropar District, Sohanjit Mohan (respondent No. 8), Tarjeet Singh (respondent No. 9), Jang Bahadur (respondent No. 15) belong to Village Bhagwantpura itself and Gurvinder Singh (respondent No. 10), Pardeep Kumar (respondent No. 13) and Daljeet Singh (respondent No. 16) belong to District Ropar. It is also averred that Pardeep Kumar (respondent No. 13) did not meet the physical standard stipulated in the advertisement. His chest measurement is much less than required as per advertisement. The petitioner made representation dated April 15, 2006 (Annexure P-11) to the Commissioner of the Corporation highlighting the irregularities committed in the selection of Fire Brigade Drivers. However, no action was taken on his representation.

(7) In the written statements filed by respondent Nos. 1 to 3 the official respondents, it has been pleaded that selection was done as per the criteria laid down by the Committee comprising of Home Secretary-cum-Secretary, Local Government, Chandigarh Administration, as its Chairman, Joint Commissioner, Municipal Corporation and Joint Secretary, Home, Chandigarh Administration, as its members in its meeting held on

6th May, 2005. The petitioner was called to appear in the physical test on 10th January, 2008. For selection of Drivers, the following criteria was adopted :—

- | | | |
|-----|---|-----------------|
| (1) | Marks for driving test (to be assessed by the Committee) | 25 Marks |
| (2) | Possessing knowledge of motor/diesel mechanism for executing minor repairs on the basis of certificate or Diploma obtained from Industrial Training Institutes/Polytechnics | 5 Marks |
| (3) | Weightage for sportsperson who is position holder in— | |
| | State Level | 1 Mark |
| | National Level | 3 Marks |
| | International Level | 5 Marks |
| (4) | Marks for interview | 15 Marks |
| | Total Marks | 50 Marks |

(8) The physical fitness standard for the post of Driver is as under :—

- | | | |
|-----|-----------|-------------------------------------|
| (a) | Height | 5'-5" |
| (b) | Chest | 33½" unexpanded with 1½" expansion. |
| (c) | Eye Sight | 6/6 both eyes without glasses. |

Physical fitness was prescribed as under :—

- (a) Running distance of 100 Yards with a weight of 60 Kilograms Stone in one minute.
- (b) Lifting the hook ladder to a vertical position by 3rd and 6th round.
- (c) Climbing a rope or a vertical pipe to a height of 8—10 feet from the ground.

(9) It is further pleaded in the written statement that after competing with the other candidates and undergoing the test/interview and having secured lesser marks as per the criteria laid down by the Administration, the petitioner cannot make any grudge now for having not been selected. The petitioner had neither participated in a State/National/International Level competition nor he was a position holder in a State/National/International Level competition. As such, as per the criteria approved by the Chandigarh Administration, no weightage could be given to the petitioner as he had participated only in North Zone Inter University Level. It is further case of the official respondents that since the qualification prescribed for the posts of Drivers was "having passed middle examination only", in view of the criteria approved by the Chandigarh Administration, no weightage to additional qualifications could be given. It has been pleaded that,—*vide* office order dated 3rd February, 2006, a Committee comprising of Joint Commissioner, Municipal Corporation, Chandigarh, Director Social Welfare, Chandigarh Administration, Director, Sainik Welfare, Union Territory, Chandigarh, Station Fire Officer, FS-32 and Sub-Divisional Engineer (Mechanical), Municipal Corporation, Chandigarh, was constituted for conducting driving test/interviews of the candidates for the posts of Drivers. The allegation that the Joint Commissioner, Municipal Corporation, Chandigarh (respondent No. 3) was heading One-man Interview Committee was denied. It has been pleaded that the selection was done strictly as per criteria laid down by the Administration and no irregularity was committed. The driving tests, which carried a maximum of 25 marks, were conducted separately by Mr. Gurinder Singh, Sub-Divisional Engineer and Mr. S.K. Gosain, Station Fire Officer, with the assistance of a separate trained Driver. Petitioner's name did not figure in the first five candidates belonging to O.B.Cs. As he was ranked at position No. 8, he was not successful. It has been pleaded that out of a total of 73 candidates who appeared in the interview, only 17 candidates belonged to District Ropar. Out of 15 selected candidates, 5 belong to Ropar District. It is a matter of coincidence and is not the result of any *mala fide* intention on the part of any member of the Selection Committee. It has been denied that Pardeep Kumar (respondent No. 13) did not fulfil the prescribed physical standard. His chest measured 33-½" (unexpanded) and 35" after expansion.

(10) In the written statement filed by respondents Nos. 4 to 17, it has been pleaded that the decision of the Selection committee can be interfered with only on limited grounds, such as illegality or patent material irregularity. In the instant case, the Selection Committee was consisted of experts also like Station Fire Officer and Sub-Divisional Engineer (Mechanical) and the Committee selected the candidates after judging the comparative merit of the candidates. Therefore, setting aside the selection by re-appraising the comparative merit of the candidates in writ proceedings would not be admissible.

Civil Writ Petition No. 10275 of 2006

(11) In this case, the petitioner, who belongs to general category, was called to appear for the physical test on 10th January, 2006. It is averred in the petition that the candidates who qualified the physical test, were asked to stay back and the candidates who failed to qualify the same, including respondent No. 3 Taranjit Singh and respondent No. 4 Tarjeet Singh, were asked to go. Thereafter, the petitioner was asked to appear for driving test and interview on 22nd February, 2006. According to him, he fared very well in the driving test and interview. The petitioner has alleged that Mr. H.S. Khandola, P.C.S., Joint Commissioner, Municipal Corporation, Chandigarh (respondent No. 2) was heading the One-man Selection Committee. It is also alleged in the petition that Sohanjit Mohan (respondent No. 6), who was medically unfit and failed to qualify the driving test because of bad eye-sight, was also given appointment. Since the petitioner was not selected for the post and, according to him, respondent No. 3 to 7, who were lesser in merit than him, were selected, he filed the present writ petition.

(12) In the written statement filed by respondents Nos. 1 and 2, besides taking the plea that selection was done as per the criteria laid down by the Committee comprising of Home Secretary-cum-Secretary, Local Government, Chandigarh Administration, as its Chairman, Joint Commissioner, Municipal Corporation and Joint Secretary, Home, Chandigarh Administration, as its members in its meeting held on 6th May, 2005, it was denied that respondents Nos. 3 and 4 had not qualified the physical test. Regarding constitution of Selection Committee, similar plea as taken in the reply filed in Civil Writ Petition No. 8276 of 2006, has been taken. The allegation of the petitioner that respondent No. 2 was heading One-man interview Committee was denied.

(13) It is further pleaded that the petitioner was placed in the waiting list at No. 1 as he had secured 29-1/2 marks in the interview. Although Tarjeet Singh (respondent No. 4) and Paramjit Singh (respondent No. 5) has also secured 29-1/2 marks in the interview, but as they were older in age than the petitioner, they were selected as per the criteria laid down. So far as the medical fitness of Sohanjit Mohan (respondent No. 6) is concerned, it has been submitted that at the time of joining, he had submitted the Medical Fitness Certificate issued by the Principal Medical Officer, General Hospital, Sector 16, Chandigarh (Annexure R-3). It is further pleaded that the petitioner having competed with the other candidates and having undergone the test/interview and having secured lesser marks as per the criteria laid down by the Administration cannot make any grudge now for having not been selected especially when there is no challenge in the instant writ petition to the criteria adopted by the Selection Committee.

(14) In the written statement filed on behalf of respondents Nos. 3 to 7, the averment of the petitioner that respondents Nos. 3 and 4 had not qualified the physical test, has been denied. It has also been denied that respondent No. 6 is not medically fit.

(15) In the replication filed by the petitioner to the written statement of respondents Nos. 1 and 2, besides reiterating the pleas taken in the writ petition, the petitioner has averred that in view of the Medical Certificate (Annexure R-3) issued by the Principal Medical Officer, General Hospital, Sector 16, Chandigarh, respondent No. 6 cannot be said to be medically fit for the job. It has also been stated that respondents Nos. 3, 4 and 6 were already engaged by respondent No. 2 on temporary basis and were working in the Fire Brigade, Chandigarh. They belong to the same area to which respondent No. 3 belongs.

Civil Writ Petition No. 13365 of 2006

(16) Petitioner Baljinder Singh is an Ex-serviceman. He served the Army as a Driver for 16 years, 8 months and 5 days. He is possessing driving licence for M. Cycle/LMV/MMV/HMV. He applied for the post of Driver in response to Advertisement (Annexure P-1). He was called to appear in the physical test and was declared successful. Thereafter, he was called for driving test and interview. It is the case of the petitioner that he stood at No. 1 in the merit list in the General Category of Ex-servicemen

(Drivers) whereas respondent No. 2, who was the other candidate in the category of the petitioner, failed in the road test having driven over road berm. However, respondent No. 2 was selected and he was kept in the waiting list. It is the case of the petitioner that his non-selection and selection of respondent No. 2 is the outcome of manipulations.

(17) In the written statement filed by respondent No. 1, similar stand as taken in the afore-stated two writ petitions regarding the criteria laid down by the Committee comprising of Home Secretary-cum-Secretary, Local Government, Chandigarh Administration, as its Chairman, Joint Commissioner, Municipal Corporation and Joint Secretary, Home, Chandigarh Administration, as its members in its meeting held on 6th May, 2005, has been taken. Regarding constitution of Selection Committee, similar plea as taken in the replies filed in Civil Writ Petition No. 8276 of 2006 and Civil Writ Petition 10275 of 2006, has been taken. It has been further pleaded that there was no manipulation/tinkering of the merit list. The selection list was prepared strictly on merit in accordance with the criteria approved by the Chandigarh Administration and the performance shown by each candidate in the driving test and interview. In the driving test and interview conducted by the Selection Committee, the petitioner secured 33.5 marks out of 50 against 35 marks secured by respondent No. 2, the successful candidate. It is denied that respondent No. 2 failed in the driving test. Respondent No. 2 secured 23 marks in the driving test carried out especially for Ex-servicemen (General Category) as against 23-1/2 marks secured by the petitioner.

(18) We have heard the learned counsel for the parties and have perused the original record which was produced by the learned counsel appearing for the Corporation.

(19) The qualifications prescribed for the post of Driver as per advertisement (Annexure P-1) are that the candidate must have passed Middle Standard examination and should have licence of driving heavy vehicle for more than five years prior to the Fire Service and should have experience of repairing of vehicle and other fire service equipments. Required physical standard for the post of Driver as per this advertisement is height 5'-5", chest 33-1/2" and eye sight both eyes 6/6 without specs. It is further prescribed that the candidate must clear 100 yards distance with 60 Kilogram

weight in one minute by running, should be capable of lifting of hook ladder to vertical position from 3rd and 6th round, and should be able to climb rope/vertical pipe from 8 to 10 feet from ground.

(20) We have perused the Original list of Candidates belonging to all categories called for the Physical Test for the Posts of Drivers and found that various candidates were allowed to participate in the reheld physical test on their appeals. Some of them failed in the same and some passed. We also perused the 'Result Sheet of Candidates for the posts of Drivers' and it revealed that out of 25 marks allocated for Driving Test, there is not much difference in the marks awarded by the Selection Committee to the selected candidates and to some of the candidates who had not been selected. Similarly, there is also not much difference in the awarding of 15 marks allocated for interview between the selected and some of the non-selected candidates.

(21) The total marks obtained by the selected candidates are as under :—

		Marks obtained in driving test (25 Marks)	Marks obtained in interview (15 Marks)	Total Marks
1	Shakti Singh (General Category)	23	09	32
2	Jasbir Singh (General Category)	19	12	31
3	Rakesh Tyagi (General Category)	21-1/2	09	30-1/2
4	Taranjit Singh (General Category)	20	10-1/2	30-1/2
5	Sohanjit Mohan (General Category)	13	12	30

Note.—Sohanjit Mohan has been granted 5 Marks for his qualification of being a Diploma holder from Industrial Training Institute/Polytechnic.

6	Tarjeet Singh (General Category)	19-1/2	10	29-1/2
7	Paramjit Singh Saini (General Category)	20-1/2	09	29-1/2
8	Baljeet Singh (E.S.M. Category)	21-1/2	08	29-1/2
9	Satnam Singh (General Category)	19	10	29
10	Jang Bahadur (Scheduled Caste Category)	9-1/2	08	17
11	Gurvinder Singh (O.B.C. Category)	24	08	32
12	Rakesh Kumar (O.B.C. Category)	22-1/2	08	30-1/2
13	Hari Kesh (O.B.C. Category)	21-1/2	07	28-1/2
14	Pardeep Kumar (O.B.C. Category)	19-1/2	08	27-1/2
15	Rakesh Kumar (O.B.C. Category)	18-1/2	06	24-1/2

(22) It is worth mentioning here that the official respondents have annexed '**Criteria for selection worked out by the Municipal Committee**' along with letter dated July 27, 2005 annexed as Annexure R-1 in all the three writ petitions, in which 5 marks have been allotted for **Additional Educational Qualifications** besides 10 marks for essential educational qualification i.e. Middle Standard. However, marks allotted for Education Qualifications were scrapped,—*vide* letter dated January 12, 2006 (Annexure R-2 in all the three writ petitions). Strangely enough, as noticed above, Sohanjit Mohan (respondent No. 6 in Civil Writ Petition 10275 of 2006) has been granted 5 Marks for his additional qualification of being a Diploma Holder from Industrial Training Institute/Polytechnic. It seems that the marks for educational qualifications were scrapped after getting the entire record and data concerning various candidates out of whom selection was to be made by the Selection Committee. It has been

held by the Apex Court in the case cited as **Secretary, A.P. Public Service Commission versus B. Sawapna and others (1)**, that once a process of selection starts, the prescribed selection criteria cannot be changed nor norms of selection can be referred to the earlier decision rendered in **Maharashtra State Road Transport Corporation and others versus Rajendra Bhimrao Mandve and others (2)**.

(23) As stated above, as per the advertisement dated July 30, 2005, eye sight of candidates must be 6/6 both eyes without specs. However, as per the Medical Certificate (Annexure R-3), Sohanjit Mohan (respondent No. 6) has been declared to be 'fit for the job', but his eye sight is not given as 6/6 without specs because the Doctor has mentioned his eye sight as "6/6 C and 6/9 C." which connotes eye sight with specs. Thus, despite being medically unfit, Sohanjit Mohan (respondent No. 6) has been selected. Sohanjit Mohan (respondent No. 6) also got himself medically examined from Government Hospital, Kurali,—*vide* medical certificate Annexure R-5/1 which was taken on record,—*vide* order of this Court dated January 21, 2008 passed in Civil Miscellaneous No. 815 of 2008. This Medical Certificate depicts his eye sight 6/6 both eyes without specs. Another Medical certificate has been produced on record as Annexure R-5/2 issued by Dr. Kamaljit Singh Pannu of Pannu Eye Hospital, Ropar, who, after visual examination of Sohanjit Mohan (respondent No. 6) opined his eye sight as 6/6 both eyes without specs. Under the circumstances, although we would not like to sit in appeal over the opinions of the Eye-Specialists, but it casts a doubt about the medical fitness of Sohanjit Mohan especially when as per advertisement (Annexure P-1) eye sight of candidates must be 6/6 both eyes without specs because they have to work in the Fire Wing of the Corporation.

(24) In Civil Writ Petition No. 10275 of 2006, it has been averred by the petitioner that respondent No. 3 Taranjit Singh and respondent No. 4 Tarjeet Singh had not qualified the physical test. This fact has, however, been denied by the official respondents in their written statement.

(25) '**Lists of Candidates belonging to all categories called for the Physical Test for the posts of Drivers in the Fire Wing, Municipal Corporation, Chandigarh**', have been perused. Respondent

(1) 2005(2) R.S.J. 704

(2) 2001(10) S.C.C. 51

No. 4 Tarjeet Singh (General Category), whose Roll Number was 94, has been declared pass on appeal. He filed appeal on January 10, 2006, which is as under :—

Joint Commissioner,
Municipal Corporation,
Chandigarh.

Subject :—Appeal Against Running.

I have been rejected because of running test. I do not agree with this measurement. Hence, I am filing my appeal herewith for your consideration.”

On the appeal itself, the following order has been passed :—

“Disposal of Appeal.

The above candidate has been re-examined and result is as under :—

Running Test :—30-.15 Pass.

(Signatures of officials)”.

(26) Similarly, Taranjit Singh (respondent No. 3 in Civil Writ Petition No. 10275 of 2006), belonging to General Category, whose Roll Number was 258 has been declared pass on appeal. The allegation of the petitioners that respondent No. 3 Taranjit Singh and respondent No. 4 Tarjeet Singh had not qualified the physical test is, thus, correct. It is also worth- mentioning here that Jang Bahadur (Roll No. 387), another selected candidate under Scheduled Caste category and respondent No. 15 in Civil Writ Petition No. 8276 of 2006, had also failed in the Physical Test and was declared pass on appeal. There was no provision of filing appeal once the candidate had failed in the Physical Test. Nothing about filing appeal was mentioned in the advertisement (Annexure P-1). This has clearly been done to select the candidates of choice by ignoring the deserving ones. This was done not only in violation of the well-settled law that once the process of selection starts, the prescribed selection criteria cannot be changed no norms of selection can be altered, but was done after the candidates has failed in the physical test.

(27) It requires mentioning at the risk of repetition that earlier, as per **Criteria of selection worked out by the Municipal Corporation,**

Chandigarh (Annexed with Annexure R-I with all the three writ petitions), marks for educational qualifications were allotted as below :—

“(a) Essential educational qualification i.e. Middle Standard

33—45% Marks = 5

45—60% Marks = 7

More than 60% Marks = 10

(b) Additional Educational Qualification 5 Marks

Matric = 2

10+2 = 7

B.A./B.Sc. = 5”

(28) However, marks allotted for **Educational Qualifications** were scrapped,—*vide* letter dated January 12, 2006 (Annexure R-2 in all the three writ petitions). In the ‘**Result Sheets of Candidates for the posts of Drivers (General Category) (Scheduled Caste Category), (OBC Category), (ESM General) and (ESM OBC)**’, educational qualifications of all the candidates have been mentioned, although percentage of marks is not available anywhere on record. Candidates with Roll Numbers 45, 83, 210 i.e. Ashok Kumar, Yash Pal and Karamvir Singh, respectively, belonging to General Category, are B.A. and they had cleared the Physical Test in the first attempt. Petitioner Mon Aggrovia in Civil Writ Petition No. 8276, who belongs to a Backward Class (Roll No. 300), is also B.A. and had cleared the Physical Test in the first attempt. Kulwinder Singh (Roll No. 446), who belongs to ESM General Categories, is also Graduate. None of the selected candidates under all the category is B.A. Had the marks for Educational Qualifications not been scrapped, they would have got 5 Marks each for their B.A. qualification besides the marks obtained by them on the basis of percentage of marks in Essential Educational Qualification i.e. Middle Standard. Similarly, various candidates, who have not been selected, are having educational qualifications of Matric and 10+2. Candidates with Matric qualification have been deprived of 2 marks and candidates with 10+2 qualification have been deprived of 3 marks. They had also qualified the Physical Test in the first attempt. In nutshell, all this shows that the selection has not at all been fair.

(29) Regarding the allegation that majority of the selected candidates belonging to the same area to which the Joint Commissioner, Municipal Corporation, Chandigarh, who was one of the five members of the Selection Committee belongs, we have perused the memo of parties in these writ petitions. Shakti Singh, Jasbir Singh, Rakesh Tyagi, Taranjit Singh, Rakesh Kumar, Hari Kesh, Rakesh Kumar, Mehar Singh (respondents Nos. 4, 5, 6, 7, 11, 12, 14 and 17, respectively in Civil Writ Petition No. 8276 of 2006) belong to different Districts of Punjab and Haryana. However, Sohanjit Mohan, Tarjeet Singh, Gurvinder Singh, Pardeep Kumar, Jang Bahadur and Baljeet Singh (respondents Nos. 8, 9, 10, 13, 15 and 16, respectively in Civil Writ Petition No. 8276 of 2006), belong to the same District i.e. Ropar. We, in the first instance, are not inclined to presume that one member of the Selection Committee would be able to influence all the other members of the Selection Committee to select the persons of his choice, but keeping in view the fact that the Joint Commissioner, Municipal Corporation, Chandigarh, was instrumental in allowing the appeals of candidates who had failed in the Physical Tests and were later on selected, as all the appeals were addressed to him, we have no hesitation in holding that the selection process has been vitiated. It is not understandable as to how it occurred to the candidates who had failed in the Physical Test that they could file appeals before the Joint Commissioner, Municipal Corporation, Chandigarh, when nothing was mentioned about it in the advertisement (Annexure P-1).

(30) The facts and circumstances, enumerated above, warrant quashing of the entire selection of the private respondents because many of the non-selected candidates, who are not petitioners before us, were not properly dealt with by the Selection Committee in the process of selection, as stated above.

(31) Resultantly, all these writ petitions are allowed to the extent that the selection of the private respondents as Drivers in the Fire Wing of the respondent-Corporation is quashed.

R.N.R.