
33—C(2) of the Act. The award passed by the Labour Court dated 1st February, 2000 is valid and is upheld. The respondents-workmen and the learned representatives of the two deceased workmen are directed to approach the BIFR for approval under Section 22 of the SICA. The amounts mentioned in the award together with interest at the rate of 12 per cent per annum with effect from 1st September, 1992 shall be paid to the workmen and the learned representative of the deceased workmen on the approval being granted by the BIFR. The BIFR is directed to take a decision on the application that may be filed by the respondents-workmen and the legal representatives of the deceased workmen within a period of two months of the making of the application.

(29) Petition disposed of in the aforesaid terms. No costs.

R.N.R.

Before R.C. KATHURIA, J

KULDEEP KAUR & OTHERS,—*Petitioners*

versus

STATE OF PUNJAB & OTHERS—*Respondents*

C.W.P. No. 14728 OF 2000

5th November, 2001

Constitution of India, 1950—Art. 226—Information Brochure / Prospectus for Entrance Examination for admission to E.T.T. Course, Session 1999—2001—Admission to the Elementary Teachers Training Course on the basis of a joint entrance test—Government providing 20 marks for interview for making objective and reliable assessment of the candidates—Challenge thereto—Neither any representation nor any protest petition filed to challenge the provision of the prospectus—Merely because earlier no such interview was provided for admission is no ground for debarring the Government for providing for interview in this session—Provision for 20 marks out of total 200 marks for testing the capacity and calibre of the students not excessive—Merely because no faculty wise separate assessment provided in the prospectus, no ground to invalidate the selection—Disparity between the marks obtained by the candidates in the written test and the interview—No

ground to hold that the marks were awarded on account of manipulations or arbitrariness done by the members of the Selection Committees—Writs dismissed.

Held, that merely because earlier no such interview was provided for admission to such a course cannot be pressed as a ground for debarring Department of Education from providing for interview for this course. Despite various disadvantages from which the oral interview test suffers, the same has been accepted in various fields including education to test the capacity and calibre of the students who are seeking admission to the various courses. The Courts have provided a check and have intervened where it had found that the allocation of high percentage of marks out of the total marks have been made the basis for admission and quashed the same on the ground of arbitrariness. Provision for 20 marks for interview in the prospectus cannot be said to be excessive by any stretch of imagination.

(Paras 12, 13, & 15)

Further held, that sufficient guidelines were available with the Selection Committees for making assessment of the candidates on the basis of which interview evaluation of the candidates was to be made. Merely because no faculty-wise separate assessment had been provided in the prospectus could not be a ground to invalidate the selection made.

(Para 17)

Further held, that members of Selection Committees had awarded marks in one lot to each of the candidates and marks had been allocated separately for mental ability, general awareness; aptitude and personality but on this ground alone a conclusion cannot be drawn that the marks were awarded on account of manipulations done by the members of the Selection Committees as propounded from the side of the petitioners. There are no rules providing for allocation of marks to be awarded under each head at the time of interview and only the guidelines for interview have been provided. Merely some of the candidates have secured 15 to 18 marks out of 20 marks having a wide disparity of marks obtained by them in the written test cannot be construed that marks were awarded to the candidates on account of the manipulations of the members of the Selection Committees in the absence of specific instances of *mala fide* of the members of the Selection Committees.

(Para 54)

P.S. Patwalia, R.K. Singla, M.L. Sachdeva, R.K. Garg, G.S. Sandhawalia, P.S. Goraya, Ashok Sharma Nabhwala, Kapil Kakkar, Ms. Alka Chatrath, R.S. Bajaj, B.S. Baath, D.D. Gupta, Onkar Singh and R.K. Arora,
Advocates for the Petitioners

J.S. Brar, Deputy Advocate General, Punjab *for the official respondents.*

Rajneesh Bansal, Harinder Sharma, Sarbjit Singh, D.K. Jhangra and Sudeep Mahajan, *Advocates for some of the private respondents.*

JUDGMENT

(1) In the above mentioned 26 writ petitions the prayer made by the petitioners is for quashing a part of the provisions of the Information Brochure/Prospectus for Entrance Examination Session 1999—2001 providing 20 marks for interview while finalising the admissions to the Elementary Teachers Training Course (hereinafter referred to as 'ETT Course') for the session 1999—2001 on the plea that this provision has been introduced in order to select less meritorious candidates at the cost of meritorious candidates. Consequently, the admission granted on the basis of marks obtained by the candidates including the private respondents has also been sought to be quashed with a further direction to the official respondents to grant admission to the eligible candidates including the petitioners on the basis of marks secured by them in the written test.

(2) For the sake of convenience the fact have been taken from C.W.P. No. 15849 of 2000. The case set-up by the petitioners is that the Department of Education of the State of Punjab took a policy decision to hold a joint entrance test of candidates for admission to ETT Course in J.B.T. institutions and District Institute of Educational Training (hereinafter referred to as DIET) for the session 1999—2001. As per the criteria prescribed in the prospectus, the candidates who were residents of the State of Punjab and had passed 10+2 examination or equivalent examination with 50% marks in case of candidates falling under general category and with 45% marks for the candidates belonging to the Scheduled Castes and Scheduled Tribes were eligible and qualified for admission to the course of DIET under the control

of State Council of Education Research and Training, Punjab (hereinafter referred to as 'SCERT') in the State of Punjab. The admission notice was issued in the Indian Express dated 2nd March, 2000 and the last date for receipt of applications was 10th March, 2000. Initially 100 seats for the ETT Course were allotted to each of the District Institutes. The admissions were to be made district-wise. Later on, number of seats for some of the districts was increased which was duly notified. Out of the total seats in each district 50% seats were reserved for women and 50% were for men. These 50% seats were again required to be distributed among the categories for which reservation has been provided in the prospectus. The entrance test comprised of 180 marks consisting the subjects of General Science, Teaching Aptitude Test, Language Proficiency Test and subject knowledge test. 20 marks were for interview for admission to ETT Course in the above mentioned J.B.T. Schools and institutions. It was also provided in the prospectus that in case a boy/girl obtained equal marks in the entrance examination then seat will be given on the basis of date of birth to the boy/girl who is elder in age. The merit list was also required to be prepared district-wise. The petitioners who had applied for the ETT Course took on 9th April, 2000. Initially, the result was declared on 1st May, 2000 (Annexure-P.2). It was challenged by a number of candidates by filing writ petitions and under the direction of this Court the result was re-published by categorising the candidates for each category along with their marks in the newspaper on 9th June, 2000 (Annexure-P.3). As the candidates who belong to the reserved categories on the basis of their higher merit were required to be shown in the select list were not considered against the seats meant for general category candidates, under the orders of this Court, the result was again published in the newspapers on 17th July, 2000 and 24th July, 2000, copies of which are Annexures—P.4 and P.5. Thereafter, the candidates were called for interview at the district level. During the course of interview conducted by the Selection Committees constituted at the district level one or two minutes time was devoted to interview the candidates during which period their certificates were examined and to some of the candidates not even a single question was asked. The only purpose for holding the interview was to exclude the meritorious candidates who had done well in the entrance test and the result declared reveals that the candidates who had secured very good marks in the entrance test were excluded from

the selection zone as during the interview the Selection Committee gave them less marks in comparison to the candidates who had secured less marks in the entrance test. To support their stand reference was made to a number of candidates who had been given 18 to 19 marks out of 20 marks in the interview. On the basis of data tabulated in the petition which shall be adverted to later on, it was stated that the action of the respondents in providing 20 marks for the interview and that too without any criteria shows that the members of the Selection Committee had acted arbitrarily with the sole object of including the less meritorious candidates and to exclude the meritorious candidates like the petitioners in illegal manner and the same being discriminatory and against the principles of natural justice, was liable to be set aside. Additionally, it was also pleaded that in the process of admission of the candidates for academic courses no marks are provided for interview and but for the session 1999—2001, the Punjab Government had been making admissions to the ETT Course also in the basis of merit obtained in the entrance test alone without providing any marks for interview. Even under the guide-lines issued by the National Council for Teacher Education (hereinafter referred to as 'NCTE'), the States have been making admissions on the basis of combined entrance test and no State had ever allotted marks for interview. On these premises, the petitioners have invoked the jurisdiction of this Court under Article 226 of the Constitution of India.

(3) While controverting the stand of the petitioners, it was pleaded on behalf of official respondent Nos. 1 to 3 in the written statement filed by Sohan Lal, Director, State Council of Education, Research and Training, Punjab, who had been arrayed as respondent No.2 in these petitions, that Elementary Teachers Training Entrance Test was started in the year 1989 and for the session 1999—2001 the Punjab Government decided to conduct the ETT Course in a different way. For this purpose 180 marks were earmarked for written test and 20 marks were earmarked for interview. Provision in the prospectus for providing 20 marks for interview was justified for making objective and reliable assessment of the candidates. It was further stated that under Act No. 93 of 1993 the NCTE was established with the object of achieving balanced and co-ordinated development of teachers education system throughout the country, regulations and proper maintenance of laws and standards in the Teachers Education System and for the matters connected therewith. Admission criteria was also

laid down by the said council. It was not disputed by him that result of the ETT Course test held on 9th April, 2000 was declared on 1st May, 2000 and as per direction of this Court in C.W.P. No.6472 of 2000, *Nisha Goyal and others versus State of Punjab*, result of the said test was re-published in the press on 9th June, 2000, 17th July, 2000 and 24th July, 2000. It was also pleaded by him that the candidates of three times of the total seats were called for interview. It was further stated by him that Punjab Government *vide* memo No. 11/1/2000-5-Edu-7/110045, dated 30th May, 2000 had constituted Sub-committees for various districts and DIET for conducting interviews. Explaining about the interview marks awarded to the candidates, it was stated that each candidate was interviewed individually and sufficient time and opportunity was given to him/her. The Selection Committees also judged the general awareness regarding current affairs and personal aptitude of each candidates and thus the marks awarded to each of the candidates were in equitable and just manner. The stand taken by the official respondent No. 1 to 3 is common in other writ petitions. No separate written statement have been filed in other cases and it has been submitted that the same be read as reply to all other petitions.

(4) In C.W.P. No. 15182 of 2000, respondent Nos. 17, 19, 21, 22, 23 and 24 have filed their written statement, wherein they contested the stand of the petitioners. It was averred by them that they have been granted admission as per procedure prescribed in the prospectus. They had not misrepresented or mis-stated any fact to the authorities at the time of seeking admission to the course. Further according to them if the petitioners had any grievance with regard to the criteria laid down for the grant of admission in any respect they could have challenged the same before the entrance test was held. The petitioners had, after accepting the terms and conditions, rules and regulations and procedure for conduct of entrance test, applied for the course through their respective districts and thereafter appeared in the entrance test and interview conducted by the official respondents. Thereafter, finding themselves unsuccessful in the merit list, the petitioners are estopped from challenging the selection criteria after declaration of the result. While justifying their merit in the written test it was maintained by them that the interview for 20 marks had been prescribed for the candidates who had secured merit in the written test to judge the mental ability, aptitude towards teaching,

environmental knowledge concerning the teaching and general awareness. It was further stated by them that the provision for interview had been introduced by the authorities to judge the suitability of the candidates who were seriously adopting the teaching profession in order to impart best elementary education to the upcoming children. As many as 26,000 candidates had applied for the course who had appeared in the entrance test and after taking into account marks secured in the written test and performance in the interview the merit of the candidates was drawn and thus there was no illegality, arbitrariness of *mala fide* warranting interference in the result declared.

(5) In C.W.P. No. 16732 of 2000, respondent Nos. 6 and 7 have filed their joint written statement wherein they pleaded that they have overall better merit and for that reason they were selected for the ETT Course. It was also pleaded by them that the marks were awarded in the interview after assessing the personality of the candidates on the criteria of knowledge and current affairs and general awareness. Merely, because the petitioners have secured more marks in written test than the interview, it cannot be construed that the personality of the petitioners was upto the level expected of a teacher and for that reason it was claimed that the petitioners had rightly been ignored for selection for the course.

(6) In C.W.P. No. 15850 of 2000, respondent Nos. 4 to 6 in their common written statement while repudiating the stand of the petitioners, pleaded that the candidates were awarded marks in the interview as per their performance and no basis for presuming any ill-will on the part of the members of the Selection Committee had been laid down in the petition. It was also pleaded by them that the petitioner was fully aware about the eligibility criteria and procedure for selection laid down in the prospectus and thereafter participated in the entrance test and interview but could not come on merit. The petitioner had never challenged the criteria for selection including the provision for interview settled by respondent No. 1 before appearing in the said test and for that reason, she was not competent to file petition. It was further stated by them that, after admission to the ETT Course long time back, they have completed major part of their training and should not be made to suffer on the basis of untenable stand taken by the petitioner in the writ petition.

(7) In C.W.P. No. 14991 of 2000, joint written statement was filed by respondent Nos. 7 to 9, 12, 14 to 17, 20 to 24, 26, 28, 29, 34, 39, 42 to 44, 47, 49, 51, 57, 61 to 64, 66, 69, 70, 75, 77 to 78, 84, 85, 88, 95, 98, 100 and 103, wherein they refuted the stand of the petitioners. It was maintained by them that the petitioners, after appearing in the interview and going through the selection process, without raising any protest or dispute cannot be allowed to challenge the selection made as they were required to challenge the criteria laid before appearing in the written test and interview. They justified the selection made on the basis of combined merit obtained in the written test and interview.

(8) From the respective stands taken in the pleadings of the parties and the submissions made by their learned counsel during the course of arguments, it is apparent that following questions arise for determination in respect of challenge made to the provisions of the prospectus providing 20 marks for interview and selection of all the candidates including the non-official respondents :—

- (1) Whether the petitioner having failed to secure position in merit after having appeared in written test and interview can assail the selection made having not challenged the provisions of prospectus providing 20 marks for the interview before the interview was held ?
- (2) Whether making provision for 20 marks for the interview for admission to the ETT Course for the session 1999—2001 in the prospectus was not permissible when such criteria had not been laid in other professional course like medicine etc ?
- (3) Whether the selection stands vitiated in the absence of criteria providing for award of separate assessment marks in the prospectus so as to make aware the candidates to the various factors with reference to which members of the Selection Committees were to evaluate their performance ?
- (4) Whether members of the district-wise Selection Committees had not conducted the selection process in a fair manner?

(5) Whether the award of marks in the viva-voce test is vitiated due to manipulations, arbitrariness and bias ?

(9) Coming to the submissions made in seriatim, it was not disputed from the side of the petitioners that they had not challenged the provisions of the prospectus providing 20 marks for interview in addition to 180 marks for written test for admission to ETT Course for the session 1999—2001. None of the petitioners had even filed any representation or any protest petition in this regard to respondent Nos. 1 to 3. After the result of the written test taken by the petitioners was declared some of the candidates challenged the same and the result was got published thrice under the orders of this Court. Thereafter, the petitioners had also appeared in the interview before the district level Selection Committees. Therefore, they took a chance to get themselves selected and it is only when they found that they had not emerged successful in the combined performance in the written test and the oral interview that they challenged the selection results by filing these writ petitions. It does not lie in their mouth to say that the provisions for interview provided in the prospectus deserves to be quashed. This question had come-up for consideration before the Hon'ble Supreme Court in *Madan Lal and others versus State of Jammu and Kashmir and others*, (1) wherein in para 8 at page 1093 it was observed as under :—

“Before dealing with this contention, we must keep in view the silent fact that the petitioners as well as the contesting successful candidates being concerned respondents herein, were all found eligible in the light of marks obtained in the written test, to be eligible to be called for oral interview. Up to this stage there is no dispute between the parties. The petitioners also appeared at the oral interview conducted by the concerned Members of the Commission who interviewed the petitioners as well as the concerned contesting respondents. Thus the petitioners took a chance to get themselves selected at the said oral interview. Only because they did not find themselves to have emerged successful as a result of their combined performance both at written test and oral interview, that they have

filed this petition. It is now well settled that if a candidate takes a calculated chance and appears at the interview then, only because the result of the interview is not palatable to him he cannot turn round and subsequently contend that the process of interview was unfair or Selection Committee was not properly constituted. In the case of *Om Prakash Shukla versus Akhilesh Kumar Shukla*, AIR 1986 SC 1043, it has been clearly laid down by a Bench of three learned Judges of this Court that when the petitioner appeared at the examination he filed a petition challenging the said examination, the High Court should not have granted any relief to such a petitioner.”

(10) Similar view has been taken in C.W.P. No. 18406 of 1996, *Dr. Adesh Singla and 3 others versus State of Punjab and 20 others*, decided on 11th May, 1998 along with four writ petitions. In view of the law laid down in the above mentioned cases, it has to be held that the petitioners cannot challenge the provisions of the prospectus providing for marks for interview for the purpose of making selection for the ETT Course.

(11) A lot of grievance was made by the counsel representing the petitioners regarding the shift in the policy of the State Government to provide 20 marks for the interview for ETT course for the session 1999-2001. It was contended by the counsel representing the petitioners that for admission to various courses such as P.M.E.T., Medicine, Degree/Diploma in Engineering, B.Ed., M.Ed., LL.B. and other academic and professional courses Universities/Boards conduct entrance tests and these examining bodies have not earmarked any interview marks. Further according to them the only basis for assessment of the merit including personality or aptitude of the candidates adopted by these universities is the marks obtained in the entrance test and the interview has been replaced by counselling. It was thus contended that the action of the Department of Education, Punjab, which had been conducting the written entrance test for admission to the ETT course for the last 10 years without providing any marks for interview, in introducing 20 marks for interview for the session 1999-2001 was not justified. Further according to them, such a course is not approved by the expert body viz. NCTE, . While making this submission, the

guide-lines issued by the NCTE for admission procedure to be adopted for Teachers Education Institutions had been ignored as in these guide-lines while dealing with the question of interview it has been stated as under :—

Interview

“Interview as a device for selection of candidates is either used in combination with academic achievement, or with some test. Mostly unstructured interviews are held. However, in most of the cases some criteria alongwith weightage are fixed. The panels of interview are normally consisted of some faculty members. But in some cases, university representative, and/or some other outside experts are included in the interview panel. Content of interview, generally, consists of questions related to the knowledge of school subjects, general knowledge, language proficiency, expression and assessment of personality characteristics. The general feeling about the way in which interviews are conducted at present is that they are not free from subjectivity. Therefore, efforts need to be made to make them as objective as possible and also to assess the qualities of a candidate which equip him to be a good teacher.”

The tests are being increasingly used for selection of candidates for admission to secondary teacher education institution. However, some States use tests as the basis of selection, while others use them alongwith interviews.

The tests are being conducted by State agency, university or institutions themselves. In Madhya Pradesh selection test is conducted by a State agency while in Uttar Pradesh, general guide-lines for holding tests are laid down by the State Government but the tests are conducted by respective universities for their affiliated colleges. Lastly, tests are being conducted by a University Department or an institution itself.

The tests are supposed to assess general mental ability, language proficiency, subject knowledge, attitude

towards teaching profession, adjustment, teaching aptitude, personality, etc. Of these one or more tests are administered by different agencies. Most of these tests are objective type having multiple choice type of items. The tests are generally not standardised.

Whether the tests are used in combination with interview the weightage given to the test is much higher than to the interview.

In case of State agency, the papers are got set and printed by it; the centres are fixed and candidates are allocated to these centres, the scoring and declaration of result are also done by it. In other cases these functions are discharged by the university or the institution concerned.

It is noticed that tests of mental ability and general knowledge are commonly used. However, there is a wide variation with regard to other selection criteria in different States and Universities such as aptitude test, personality test, achievement test etc. These tests are generally locally made and not standardized. The selection criteria may be so decided that these can identify potentially suitable candidates for the teaching profession.”

(12) Though the above guide-lines have no statutory force but these do indicate that even the expert body is not against providing for interview after the written test of the candidates for selection to the admission to the Course of teachers. Therefore, the plea taken from the side of the petitioners that the provision in the prospectus providing 20 marks for interview could not have been introduced by the Department of Education, Punjab, cannot be accepted. Merely, because earlier no such interview was provided for admission to such a course cannot be pressed as a ground for debarring Department of Education from providing for interview or this course. Under the circumstances of the case the doctrine of legitimate expectancy would not come into play as sought to be contended by the counsel representing the petitioners. *In Daman Deep Singh Makka and others versus State of Punjab (2)*, imposition of condition in the amended brochure in

relation to a candidate passing his qualifying examination from the recognised school situated in the State of Punjab was held to be valid.

(13) This question can be examined from another angle as well because it was submitted that 20 marks for the interview are excessive. Despite various disadvantages from which the oral interview test suffers, the same has been accepted in various fields including education to test the capacity and calibre of the students who are seeking admission to the various courses. The Courts have provided a check and have intervened where it had found that the allocation of high percentage of marks out of the total marks have been made the basis for admission and quashed the same on the ground of arbitrariness. In *Nishi Maghu versus State of J & K*, (3) admission to M.B.B.S. course for the year 1978—81, 50 marks out of 150 marks reserved for interview were held to be arbitrary. Reference in this regard can also be made to the case *Ajay Hasia etc. versus Khalid Mujib Sehravardi and others*, (4) Dealing with the question it was observed in para 18 at page 501 as under :—

“But, despite all this criticism, the oral interview method continues to be very much in vogue as a supplementary test for assessing the suitability of candidates wherever test of personal traits is considered essential. Its relevance as a test for determining suitability based on personal characteristics has been recognised in a number of decisions of this Court which are binding upon us. In the first case on the point which came before this Court, namely, *R. Chitra Lekha versus State of Mysore*, (1964) 6 SCR 368: (AIR 1964 SC 1823), this Court pointed out.

“In the field of education there are divergent views as regards the mode of testing the capacity and calibre of students in the matter of admissions to colleges. Orthodox education its stand by the marks obtained by a student in the annual examination. The modern trend of opinion insists upon other additional tests, such as interview, performance in extra—curricular activities personality test, Psychiatric tests etc. Obviously we are not in a

(3) AIR 1980 SC 1975

(4) AIR 1981 SC 487

position to judge which method is preferable or which test is the correct one.....The scheme of selection, however, perfect it may be on paper, may be abused in practice. That it is capable of abuse is not a ground for quashing it. So long as the order lays down relevant objective criteria and entrusts the business of selection to qualified persons, this Court cannot obviously have any say in the matter.”

and on this view refused to hold the oral interview test as irrelevant or arbitrary. It was also pointed out by this Court in *A. Peeriakaruppan versus State of Tamil Nadu*, (1971) 2 SCR 430: (AIR 1971 SC 2303) :

“In most cases, the first impression need not necessarily be the best impression, but under the existing conditions, we are unable to accede to the contentions of the petitioners that the system of interview as in vogue in this country is so defective as to make it useless.”

It is therefore not possible to accept the contentions of the petitioners that the oral interview test is so defective that selecting candidates for admission on the basis of oral interview in addition to written test must be regarded as arbitrary. The oral interview test is undoubtedly not a very satisfactory test for assessing and evaluating the capacity and calibre of candidates, but in the absence of any better test for measuring personal characteristics and traits, the oral interview test must, at the present stage, be regarded as not irrational or irrelevant though it is subjective and based on first impression, its result is influenced by many uncertain factors and it is capable for abuse. We would, however, like to point out that in the matter of admission of colleges or even in the matter of public employment, the oral interview test and presently held should not be relied upon as an exclusive test, but it may be resorted to only as an additional or supplementary test and, moreover, great care must be taken to see that persons who are appointed to conduct the oral interview test are men of high integrity, calibre and qualification.”

(14) Again the question came up recently in *Kiran Gupta and others versus State of U.P. and others*, (5) wherein in para 22 of the judgment at page 445 it has been stated as under :—

“It is difficult to accept the omnibus contention that selection on the basis of *viva voce* only is arbitrary and illegal and that since allocation of 15% marks for interview was held to be arbitrary by this Court, selections solely based on interview is a fortiori illegal. It will be useful to bear in mind that there is no rule of thumb with regard to allotment of percentage of marks for interview. It depends on several factors and the question of permissible percentage of marks for an interview test has to be decided on the facts of each case. However, the decisions of this Court with regard to reasonableness of percentage of marks allotted for interview in cases of admission to educational institutions/schools will not afford a proper guidance in determining the permissible percentage of marks for interview in cases of selection/appointment to the posts in various services. Even in this class, there may be two categories: (i) when the selection is by both a written test and *viva voce*: and (ii) by *viva voce* alone. The courts have frowned upon prescribing higher percentage of marks for interview when selection is on the basis of both oral interview and a written test. But, where oral interview alone has been the criteria for selection/appointment/promotion to any posts in senior positions the question of higher percentage of marks for interview does not arise. Therefore, we think it an exercise in futility to discuss these cases—*Minor A. Peeriakeruppan etc. versus State of Tamil Nadu and others*, 1971 (1) SCC 38, and *Ajay Hasia and others, versus Khalid Mujib Sehravardi and others*, 1981 (1) SCC 722—relied upon by Mr. Goswami, which deal with admission to educational institutions/schools and also cases where prescribed method of recruitment was written test followed by interview—*Ashok Kumar Yadav and others versus State of Haryana and others*, 1993 (4) RSJ 73: 1985 (4) SCC

417: *D.V. Bakshi and others versus Union of India and others*, 1993 (3) SCC 663: *Krishna Yadav and another versus State of Haryana and others*, 1994 (4) SCC 165.”

(15) Under the circumstances of the case, provision for 20 marks for interview in the prospectus can not be said to be excessive by any stretch of imagination.

(16) Coming to the other submissions, it is necessary to notice the provisions of the prospectus relevant to the controversy which read as under :—

“The State of Punjab, Department of Education has decided to conduct the Entrance Test for admission to Elementary Teachers Training (E.T.T.) course for 16 District Institutes of Education and Training and J.B.T. Institute, Budhlada (Mansa). The admission will be effected for all the categories (Reserved/General) on the basis of the result of the Entrance Examination, Merit would be district-wise and the admission would also be district-wise.

After the declaration of the result on the decided date, time and place, the successful candidates would contact the concerned Interview Committee. The paper would be objective type.”

(17) It is clear from the above noted provision that no specific criteria with regard to the subjects regarding which the candidates have to be tested has been specifically stated. Even there is no indication that separate assessment marks subject-wise have to be allotted by the members of the Selection Committees. But the emphasis appears to be that the paper has to be objective type. The guide lines of NCTE prescribing admission procedure for Teacher Education Institutions quoted above clearly provides an indication that in interview questions should be related to the knowledge of school subjects, general knowledge, language, proficiency, expression and assessment of personality characteristics. It was also pointed out in the above guide-lines that the selection criteria should be so decided that it can identify potentially suitable candidates for the teaching profession. Therefore,

sufficient guide-lines were available with the Selection Committees for making assessment of the candidates on the basis of which interview evaluation of the candidates was to be made. Merely because no faculty-wise separate assessment faculty-wise had been provided in the prospectus could not be a ground to invalidate the selection made.

(18) It was stated in para 13 and 14 in C.W.P. No. 18549 of 2000 that all the three members of the Selection Committee of District Mansa, Sangrur and Patiala did not sit on all the days for the interview. No dates of the interview have been mentioned. Even the names of the persons, who constituted the Selection Committees, have not been given. It has also not been specified which of the members of the Selection committee was not present on any particular day on which interview of the candidates was held. On the other hand respondents in the written statement have specified the names of the members of Selection Committees constituted district-wise and that stand of the respondents has not been disputed before me. Therefore, general allegations made in the petition in this regard cannot be given any credence and the plea taken by the petitioners in their petitions has to be rejected.

(19) Coming to the last submission made, it would be appropriate to refer to the averments made in para 14 of the C.W.P. No. 15849 of 2000, wherein it was alleged as under :—

“Besides this the interview was a mere formality as the candidates were given only 1 to 2 minutes during which the interview committee examined their certificates. Some of the candidates were not asked even a single question and to some candidates question were asked only to humiliate the students. This shows that their only purpose of holding the interview was only to exclude the meritorious candidates who have done well in the entrance test on the basis of which they were to be selected for the ETT course. The apprehension of the petitioners came true when the ETT result was declared as the candidates who have secured very good marks in the entrance test were excluded from the selection zone as the interview committee gave them the lowest marks so that they can

be excluded from the zone of selection and the candidates who were otherwise down below in the merit list prepared on the basis of entrance test, were given 18 to 19 marks out of 20 with the sole object to include them in the zone of selection.”

(20) On the basis of above averments, learned counsel for the petitioners have projected before me that the first part relates to the grievance of the petitioners with regard to the insufficient time spent for interview of the candidates which has rendered the whole exercise of the interview conducted by the district level Selection Committees a farce and was made to favour the favoured candidates. It was further submitted that the second part relates to the factual position emerging from the data furnished by the petitioners so as to show that the methodology adopted for awarding of the marks during the course of interview by the district—wise Selection Committees was the result of manipulations warranting quashing of the selection.

(21) While dealing with the above submissions made, it is apparent from the averments made in the petitions that in some of the petitions it has been contended that only one or two minutes were devoted to each of the candidates solely for the purpose of verification of certificates and not even a single question was asked from them to test their ability and to assess their personality. It has also been stated in some of the petitions that even when the questions were asked by the members of the Selection Committees they were done so solely for the purpose of humiliating the candidates. Though in most of the petitions no specific averments have been made as to which questions were asked from which of the candidates so as to co-relate the marks awarded to them by the members of the Selection Committees as per data of marks made available to this Court. In one of the writ petitions bearing C.W.P. No. 15642 of 2000. It was stated in para 13 as under :—

“That the petitioner at the time of interview was only put 4 questions, (1) What is the table of 157 (2) How India is divided geographically ?; (3) What is Animal Science ?; (4) Translate (Today it is raining) ? All the four answers were correctly given by the petitioner. The questions put to the petitioner even though

answered correctly are not part of the guide-lines of NCERT and does not judge the suitability of the candidate. Nor it demonstrate the suitability.”

(22) While evaluating the stand taken., it cannot be ignored that eligibility prescribed for admission to the course was for the candidates who had passed 10+2 or equivalent examination with 50% marks for the general category and 45% marks for Scheduled Castes and Scheduled Tribes Categories. No doubt, the stand taken by the petitioner in this petition is that he had given answers correctly to all these questions but the fact remains that the above averments are indicative of the fact that the members of the Selection Committees had devoted some time by asking questions to the candidates whether these questions were required to be asked from the candidates or not have to be tested in relation to the eligibility of the candidates for the course coupled with the object of the interview laid in the guide-lines of NCTE referred to above. Understandably, it cannot be said that the questions asked were totally irrational or intention of the members of the Selection Committees was to humiliate the candidates as sought to be represented by them. The petitioners by levelling general allegations had condemned the interview conducted wholesomely without laying any definite basis in the petitions. In the face of the stand taken from the side of the petitioners, the stand of the respondents in the written statement that each of the candidates had been interviewed individually and sufficient opportunity and time was devoted to cannot be brushed aside. Rather, it was specifically stated that the Selection Committees had judged the general awareness of the candidates regarding the current affairs, their aptitude and that each candidate was awarded marks in equitable and just manner. Therefore, on the basis of material on record, it is not substantiated that interview of each of the petitioners lasted for a minute only and that requisite time was not devoted by the members of the Selection Committees to assess their suitability and personality.

(23) Coming to the other facet of the issue raised, reliance was placed on the result published in Daily Ajit, dated 21st October, 2000, copy of which is Annexure—P.6 annexed with the above writ petition. The other grievance made by the petitioners is that all the petitioners have been given less than 8 marks so as to exclude them from the zone of selection while the candidates who were to be selected had

been given 18 to 19 marks out of 20 marks. Reference has also been made to the incidents of candidates of District Mansa who had been awarded 7 marks out of 20 marks in the interview. To support the stand taken, the following chart has been made by the petitioners at pages 11 and 12 of the petitions which is as under :—

MARKS SECURED BY PETITIONERS NO. 1 TO 5 IN WRITTEN TEST BELONGING TO S.C. (MALE) CATEGORY :

Pet. No.	Name	Roll No.	Marks in Written Test
1.	Kuldip Singh	5001473	126
2.	Darshan Singh	5002026	124
3.	Kala Singh	5001434	124
4.	Pritam Singh	5002265	124
5.	Gurnam Singh	5000363	122

SELECTED CANDIDATES IN SCHEDULED CASTES (MALE) CATEGORY I.E., RESPONDENT NO. 4 TO 7:

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	5002056	117	18	135
2.	5001115	118	17	135
3.	5000005	116	18	134
4.	5001215	116	18	134

MARKS SECURED BY PETITIONER NO. 6 AND 7 IN WRITTEN TEST BELONGING TO S.C., (FEMALE) CATEGORY :

Pet. No.	Name	Roll No.	Marks in Written Test
6.	Beant Kaur	5001325	112
7.	Balwinder Kaur	5001028	111

**SELECTED CANDIDATES IN SCHEDULED CASTES
(FEMALE) CATEGORY I.E. RESPONDENT NO. 8 TO 10 :**

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	5002437	107	17	124
2.	5000204	103	18	121
3.	5002498	103	18	121

**MARKS SECURED BY PETITIONER NO. 8 IN WRITTEN TEST
BELONGING TO B.C. (FEMALE) CATEGORY :**

Pet. No.	Roll No.	Marks in Written Test
8.	5001719	125

**SELECTED CANDIDATES IN B.C. (FEMALE) CATEGORY
RESPONDENT NO. 11 AND 12 :**

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	5000999	120	18	138
2.	5000149	120	18	138

(24) From the above data, it is clear that disparity between the marks obtained by the petitioners in comparison to the selected candidates in the written test is not of such a magnitude which would justify the conclusion that the marks obtained by the selected candidates in interview were totally disproportionate and under no circumstances could have been obtained by them as sought to be propounded by the petitioners.

(25) A comparative study has also been made in respect of the marks given in the interview to the selected candidates as well as non-selected candidates to show the disparity in the marks obtained by

them in the written examination and in the interview. The same is as under :—

DISTRICT AMRITSAR :

General Category (Male) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	4000944	171	7	178 (Stood first in Entrance Test)
2.	4002609	164	7	171
3.	4003354	121	18	139
4.	4000283	121	17	138
5.	4005107	125	15	140

General Category (Female) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	4000245	164	7	171
2.	4002770	154	7	161
3.	4002791	136	7	143
4.	4000764	135	7	142
5.	4003356	117	18	135
6.	4003972	117	18	135
7.	4003403	124	17	140
8.	400814	123	16	139

Code—064 :

1.	4004024	104	16	120
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Waiting List :

1.	4005072	112	7	119
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DISTRICT BATHINDA :

General Category (Male) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	4100224	171	18	189
2.	4100946	163	15	178
3.	4100274	130	18	148

General Category (Female) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	4101043	169	13	182
2.	4101023	136	5	141
3.	4100511	124	18	142
4.	4100917	127	18	145
5.	4103374	126	18	144

Roll No. 4102214 under this category secured 134 marks in the written test but he was not selected like the present petitioners.

DISTRICT FERROZEPUR :

General Category (Female) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	4200467	146	7	153
2.	4200379	144	8	152

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
3.	4201390	144	7	151
4.	4202325	143	7	150
5	4204574	131	18	149
6.	4200366	130	18	148
7.	4202117	129	19	148
8	4201795	129	18	147

DISTRICT FARIDKOT :**General Category (Female) :**

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	4302139	135	7	142
2.	4302682	124	18	142

CODE—061 :

1.	4301475	106	18	124
2	4300869	114	10	124

CODE—064 :

1.	4301611	97	18	115
2.	4302472	103	9	112

General Category (Male) :

1.	4300887	146	14	160
2.	4302063	143	6	149
3.	4301436	134	18	152
4.	4300272	134	18	152
5.	4300164	130	18	148

DISTRICT FATEHGARH SAHIB :

General Category (Female) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	4401770	144	14	158
2.	4400247	127	16	143
3.	4400909	114	19	133
4.	4401099	115	15	130
5.	4400850	115	16	131

General Category (Male) :

1.	4400220	147	18	165
2.	4400430	133	17	150

DISTRICT NAWANSHAHAR :

General Category (Female) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	5300292	134	16	150
2.	5300324	104	13	117
3.	5300429	103	18	121

DISTRICT KAPURTHALA :

General Category (Female) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	4800914	95	19	114
2.	4800735	95	19	114
3.	4800712	101	16	117

 General Category (Male) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	4800164	119	07	126
2.	4800118	116	07	123
3.	4800715	116	07	123
4.	4800354	118	10	128
5.	4800160	116	10	126
6.	4800193	112	10	122
7.	4801445	108	07	115
8.	4800956	98	17	115
9.	4800971	98	17	115
10.	4800217	100	15	115

DISTRICT JALANDHAR :

General Category (Male) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	4701634	150	8	158
2.	4702312	140	16	156
3.	4701263	112	15	127
4.	4701286	113	15	128
5.	4702271	110	19	129
6.	4700843	111	19	130
7.	4700199	111	19	130

DISTRICT LUDHIANA :

General Category (Male) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	4901655	153	12	165
2.	4901769	149	12	161
3.	4901348	137	18	155
4.	4901258	133	10	143
5.	4902690	130	6	136
6.	4903422	110	19	129
7.	4900948	109	18	127

DISTRICT MOGA :

General Category (Male) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	5100123	145	14	159
2.	5100884	144	15	159
3.	5100063	117	19	136

DISTRICT MUKATSAR :

General Category (Female) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	5200871	145	18	163
2.	5200975	138	18	156
3.	5200389	136	18	154
4.	5200861	135	6	141
5.	5200954	124	18	142
6.	5200924	126	18	144
7.	5200441	137	6	143

General Category (Male) :

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	5200811	170	18	188
2.	5200872	150	18	168
3.	5200698	128	18	146
4.	5201281	128	18	146
5.	5201102	131	18	149
6.	5200965	134	18	152

DISTRICT ROPAR :**General Category (Female) :**

Sr. No.	Roll No.	Marks in Written Test	Marks in Interview	Total Marks
1.	5502092	143	16	159
2.	5500007	123	18	141
3.	5501571	121	18	139
4.	5502729	130	8	138

General Category (Male) :

1.	5501050	139	16	155
2.	5501339	136	11	147
3.	5500373	119	19	138
4.	5502577	121	18	139
5.	5501056	121	18	139
6.	5501975	120	18	138
7.	5501935	118	19	137
8.	5501313	129	7	136
9.	5501276	106	17	123
10.	5502295	99	17	116
11.	5501414	103	17	120

(26) Renu Bala, petitioner in C.W.P. No. 17908 of 2000 had secured 126 marks in the written test while the selected candidates, namely, Manpreet Kaur, Vishav Jyoti and Sarabjit Kaur had secured 129, 129 and 131 marks respectively meaning thereby more marks than her and thus she has no justification to challenge the selection.

(27) Gurpreet Kuar, petitioner in C.W.P. No. 16624 of 2000 has not even given the marks secured by her in the written examination as well as in the interview in comparison to the selected candidates.

(28) Gian Kaur, petitioner in C.W.P. No. 15642 of 2000 had obtained 102 marks in the written test and 9 marks in the interview whereas the selected respondent Nos. 6 and 7 had secured 95 marks each in written test and 19 marks each in the interview. Consequently respondent Nos. 6 and 7 were placed at serial Nos. 12 and 13 in the merit list while petitioner is at serial No. 15. The petitioner has stated in para 13 of the petition that at the time of interview only 4 questions were put to her to which she had answered correctly.

(29) In C.W.P. No. 15645 of 2000, Prikshat Kumar, petitioner No. 1 is stated to have secured 137 marks in the written test and 8 marks in the interview. Sanjeev Kumar, petitioner No. 2 had secured 128 marks in written test but has not mentioned about the marks obtained in the interview though he has given his placement at serial No. 113 in the second result. He has also referred to the other candidates who were given higher marks in the interview in comparison to the marks obtained in written examination at pages 5 to 7 of the petition but he has not impleaded any of those persons as respondent in to the petition.

(30) Petitioners in C.W.P. No. 16208 of 2000 have not specified the marks awarded to them in the written test though they have mentioned the marks obtained by respondent Nos. 6 and 7 in written test as well as in the interview. Therefore, no comparison can be made.

(31) Dharmindu Bala, petitioner in C.W.P. No. 17220 of 2000 had obtained 109 marks in written test while persons selected had obtained 104 and 105 marks in the written test. There is not much difference between the marks obtained by her and the selected candidates in the written examination. Moreover the selected candidates have not been impleaded as respondents in the petition.

(32) Palwinder Singh and Mangal, petitioners in C.W.P. No.15851 of 2000 had obtained 102 and 104 marks respectively in the written test and were awarded 10 and 8 marks in the interview whereas respondent Nos. 4 to 7 had secured 98, 98, 95 and 95 marks respectively in the written test and were awarded 17, 17, 19 and 19 marks respectively in the interview. Again there is not much difference in the marks obtained by the selected candidates and the petitioners in the written test and the variation is only on the basis of performance in the interview.

(33) Petitioner Nos. 1 to 5 in C.W.P. No. 15878 of 2000 had secured 124, 111, 119, 107 and 128 marks respectively in the written test and were awarded 10, 0, 0, 12 and 11 marks respectively in the interview. A comparative data has also been given at pages 14 and 15 of the petition which does indicate that some of the general category candidates had secured more marks than the petitioners in the written examination. In respect of candidates, namely, Harpreet Kaur and Sanjiv Kumar, the marks secured by them in written test and interview have not been indicated while in case of Mukta, she had secured 127 marks in written test and 18 marks in interview. They had also secured higher marks on the basis of performance in the interview. With regard to petitioner No. 2 and 3, they belonged to category of Scheduled Castes and Scheduled Tribes categories mentioned at page 14 had secured lesser marks in written test and more marks in the interview as compared to them.

(34) In C.W.P. No. 2213 of 2001, Kulwant Singh had secured 119 marks in the written test while respondent No. 7 had secured 109 marks, respondent Nos. 8 and 9 had secured 117 marks each and respondent No. 10 and 11 had secured 100 marks each in the written test but no detail of the marks of respondent Nos. 4 to 6 has been given.

(35) Punam Gupta, petitioner in C.W.P. No. 1666 of 2000 had secured 120 marks in the written test but she has not mentioned the marks secured by her in the interview. Though comparative study of 35 female candidates has been mentioned in paras 6 and 7 of the petition so as to indicate the marks obtained by them in the interview in addition to the marks obtained in the written test.

(36) Jaspreet Kaur and Sandeep Kaur, petitioners in C.W.P. No. 16609 of 2000 had secured 136 and 134 marks in the written test and 6 and 8 marks in the interview respectively while the details of some of the candidates have been tabulated at pages 13 and 15 of the petition. Some of the candidates who had secured 99 or above marks in the written test have been awarded 12, 16, 18 and 19 marks respectively in the interview as mentioned at page 15 of the petition. Only Manjit Kaur has been impleaded as respondent No. 4 but the name of other candidates and their roll numbers have not been indicated.

(37) In C.W.P. No. 15182 of 2000, there are 43 petitioners whose result has been tabulated at pages 18 and 19 of the petition, while respondent Nos. 11 to 24 has been detailed at pages 19 and 20 of the petition. A comparison of the marks obtained in the written examination and in the interview would reveal that out of the petitioners as many as 23 persons have obtained 0 mark in the interview while the respondents have obtained more marks in the interview in comparison to the petitioners.

(38) Kanwalpreet Singh, petitioner in C.W.P. No. 15623 of 2000 had secured 105 marks in the written test and in comparison mentioned in page 8 of the petition, there is not much disparity in the marks. Marks secured by the petitioner in the interview have not been indicated in the petition.

(39) Parshotam Lal, petitioner in C.W.P. No. 15637 of 2000 is stated to have secured 115 marks in the written test and was awarded only 7 marks in the interview. He has not impleaded any of the candidate as respondent so as to give a comparative study in support of the stand taken in the petition.

(40) Petitioner Seema Chawla in C.W.P. No. 16507 of 2000 had secured 123 marks in the written test and 8 marks in the interview while respondent No. 3 had secured 117 marks in written test and 15 marks in the interview.

(41) Raj Kumar, petitioner in C.W.P. No. 16181 of 2000 had secured 115 marks in written test and 7 marks in the interview. It has also been mentioned in page 17 of the petition that five candidates had obtained less marks in written test but were awarded marks

ranging from 15 to 19 in the interview. Those persons have not been impleaded as parties in the writ petition.

(42) Petitioners No. 1 to 6 in C.W.P. No. 16260 of 2000, as per details given at pages 14 and 15 of the writ petition had no doubt secured 105 to 135 marks in the written test but out of them 5 had secured 0 marks in the interview and petitioner bearing Roll No. 5601932 had secured 134 marks in written test and 9 marks in the interview. The marks of respondent Nos. 6 and 7 cannot be discerned as their roll numbers have not been mentioned in the petition. Therefore, the data given at pages 14 to 16 of the petition showing the marks secured in the written test and interview would not help the petitioners to make a comparative study of their marks.

(43) Jatinder Kaur, petitioner in C.W.P. No. 16732 of 2000 is a Graduate and has obtained 118 marks in the written test while respondent Nos. 5 to 7 had secured 111 marks each in the written test. The respondents had been awarded 19 marks each in the interview while the marks obtained by the petitioner are not known to him.

(44) Veerpal Kaur, petitioner in C.W.P. No. 17219 of 2000 had obtained 130 marks in the written test but had not indicated the marks secured in the interview. In the list of candidates Annexure—P.6 marks obtained by the selected candidates have been detailed but she has not impleaded any of the candidates as respondents to indicate the disparity between the marks of the petitioner and the selected candidates.

(45) Veerasha, petitioner in C.W.P. No. 15850 of 2000 had obtained 136 marks in written test and secured less than 6 marks in the interview. What was the exact marks secured by her has not been stated in the petition whereas respondent Nos. 4 to 6 had secured 129, 129 and 131 marks in written test and 19, 18 and 18 marks in the interview.

(46) Meenu Bala, petitioner in C.W.P. No. 15329 of 2000 had secured 130 marks in written test and 6 marks in the interview while respondent Nos. 4 and 5 had secured 125 and 124 marks in written test and 18 and 18 marks respectively in the interview.

(47) Sukhwinder Singh, petitioner in C.W.P. No. 16610 of 2000 has not given the marks secured in the written test and the interview and has not impleaded any selected candidates as respondents.

(48) In C.W.P. No. 14991 of 2000, the petitioners have given details of marks secured in the written test and some of the selected candidates, namely, Ramandeep Kaur, Rupinder Kaur, Rupinder Deep, Paramjit Kaur, Jaswinder Kaur, Sanjita, Sehjo, Amandeep Kaur, Gurmit Singh and Kuldip Singh at page 22 of the petition. It is stated in the petition that the selected candidates have been given as many as 17 to 18 marks in the interview while the persons who have higher marks in the written test have been given between 4 and 5 marks only.

(49) In C.W.P. No. 15852 of 2000, petitioner Nos. 1 to 6 had secured 135, 134, 133, 133, 127 and 133 marks respectively in the written test while respondent Nos. 4 to 8 had secured 127, 130, 130 and 127 marks in written test. These respondents have further secured 18, 18, 18, 18 and 16 marks in the interview.

(50) In C.W.P. No. 14728 of 2000 the marks obtained by the petitioners in the written test have been detailed in Annexure-P.4 and that of the respondents have been given in Annexure-P.6 so as to show the disparity of the marks awarded to them.

(51) On the strength of the factual position, it was contended by the counsel for the petitioners that wide disparity in respect of the candidates who had secured lower marks in written examination as compared to the marks awarded to them in the interview alone is sufficient to draw a conclusion that higher marks had been awarded to the candidates who had secured lower marks in the written test on account of the manipulations done by the candidates with the help of the members of the Selection Committees. In support of the stand taken, reliance was made by them on the decisions of this Court in C.W.P. No. 18406 of 1996, *Dr. Adesh Singla and others versus State of Punjab and others*, decided on 11th May, 1998; C.W.P. No. 5458 of 1993, *Kanwaljit Kaur Pannu and others versus State of Punjab and others*, decided on 12th August, 1997 and C.W.P. No. 2571 of 2001, *Vikas Kumar versus State of Punjab and others*, decided on 18th May, 2001.

(52) Opposing the submissions made, the learned State counsel representing the official respondents strenuously urged before me that the petitioners have only put forward the data to show the disparity between the marks obtained by the candidates in the written test and the marks obtained by them in the interview altogether ignoring the fact that this disparity is not confined to any particular category of students. Rather, this disparity is in respect of all categories of students as is evident from the marks allotted by the members of the Selection Committees so indicated in the record produced before this Court and for that reason the learned State counsel sought to distinguish the applicability of the ratio of the above mentioned cases to the facts of the present cases. He has also pointed out that in *Dr. Adesh Singla and others versus State of Punjab and others* (supra), the grading of the Expert Committee was ignored besides other factors which were taken into account in order to invalidate the selection made. In *Kanwaljit Kaur Pannu and others versus State of Punjab and others* (supra), notice was taken of the fact that there were overwriting and erasers against the names of almost all candidates against column No. 6 which related to the marks obtained in training qualifications and even there were no separate marks for viva—voce test. Rather, additions were made in the test column which factor greatly influenced in upsetting the selection made. In *Vikas Kumar versus State of Punjab and others* (supra), a definite finding was given by the Court that marks were awarded in such a fashion so as to easily accommodate for admissions to the course and finding no rationality or valid criteria for allocation of marks, the petition was accepted.

(53) In order to appreciate the submissions made, I have gone through the marks awarded by the members of the district-wise Selection Committees as per record produced before me. It is apparent that members of Selection Committees had awarded marks in one lot to each of the candidates and marks had not been allocated separately for mental ability, general awareness, aptitude and personality but on this ground alone a conclusion cannot be drawn that the marks were awarded on account of manipulations done by the members of the Selection Committees as propounded from the side of the petitioners. In *Lila Dhar versus State of Rajasthan* (6) was observed that “it is for the interviewing body to take a general decision whether to allocate

marks under different heads or to award marks in a single lot. The award of marks under different heads may lead to a distorted picture of the candidate on occasions. On the other hand the totality of the impression created by the candidate on the interviewing body may give a more accurate picture of the candidate's personality. It is for the interviewing body to choose the appropriate method of marking at the selection to each service. There cannot be any magic formulae in these matters and courts cannot sit in judgment over the methods of marking employed by interviewing bodies unless, as we said, it is proven or obvious that the method of marking was chosen with oblique motive".

(54) In the above mentioned case, notice was taken of the facts that rules did not provide for allocation of marks under each head of interview test. In the present cases as already noticed, there are no rules providing for allocation of marks to be awarded under each head to the time of interview and only the guide-lines for interview have been provided. Merely, some of the candidates have secured 15 to 19 marks out of 20 marks having a wide disparity of marks obtained by them in the written test cannot be construed that marks were awarded to the candidates on account of the manipulations of the members of the Selection Committees in the absence of specific instances of *mala fide* of the members of the Selection Committees, it is totally inconceivable that all the members of the numerous Selection Committees had adopted uniform policy of picking of candidates to allow them to have march over other candidates in order to ensure their selection for admission to the course. To attribute arbitrariness and manipulation to the various members of the Selection Committees merely on the ground that some of selected candidates were awarded marks ranging from 15 to 19 in the interview could tantamount to applying the yardstick unwarranted under the circumstances of that case. If the plea of the petitioner is drawn to the logical end, it would mean that whenever a candidate secures more marks in written test, then he must also corresponding secure proportionate or same level of marks in interview. Such an approach would in fact reduce the basis for providing interview to assess the various aspects of the personality of the candidate as a farce and would thus defeat the very purpose of providing interview for the course. Therefore, the stand taken from the side of the petitioners in this regard also deserves to be rejected.

(55) For the aforesaid reasons, there is no merit in the writ petitions and the same are dismissed.

R.N.R.

Before Amar Bir Singh Gill & Swatanter Kumar, JJ

ASHISH AGGARWAL,—*Petitioner*

versus

KURUKSHETRA UNIVERSITY AND ANOTHER,—*Respondents*

C.W.P. No. 11549 of 2001

8th November, 2001

Constitution of India, 1950—Arts. 14, 16 and 226—Information Brochure, MBBS/BDS Entrance Examination for admission to Medical/Dental Colleges in Haryana 2001—Chapter VI, Cl. 18—Admission to MBBS/BDS courses on the basis of entrance examination—Cl. 18 of the Brochure disentitles a candidate for admission if already admitted in any medical/Dental College—Whether offends Arts. 14 and 16 of the Constitution—Held, no—The purpose of Cl. 18 is to prevent wastage of seats—The mere fact that the candidate has made payment for the academic session or ready to pay more would not protect the candidate from the rigours of Cl. 18 of the Brochure—Government is fully competent to formulate its education scheme and terms and conditions governing entrance tests—Merely because earlier the Government did not stipulated such a bar is no ground to prevent it from introducing the condition in the current year—Terms and conditions of the brochure are binding and effective to all concerned—Cl. 18 neither arbitrary nor discriminatory—Action of the respondents for treating the petitioner ineligible for admission to the course neither unfair nor unreasonable—Petition dismissed.

Held, that Clause 18 does not offend Articles 14 and 16 of the Constitution of India as the students who are already admitted to Medical or Dental Colleges cannot be equated or placed at parity with the students, who are still to seek admission to such courses for the first time, they are two different classes which are neither comparable *inter se* nor can be placed at par. Once a candidate has been granted admission to the professional course like MBBS/BDS on his own merits on the basis of the Entrance test, he cannot be permitted to leave the course mid way and join another course of MBBS or BDS only with