SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Ravinder Raina Vs. State of Jandk; and ors

Ravinder Raina Vs. State of Jandk; and ors

SooperKanoon Citation : sooperkanoon.com/983944

Court : Jammu and Kashmir

Decided On : Nov-27-2012

Judge : Hon'ble Mr. Justice M.M. Kumar

Appellant : Ravinder Raina

Respondent : State of Jandk; and ors

Judgement :

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU. LPASW No.107 OF 200.Ravinder Raina Petitioners State of J&K & Ors Respondent !Mr. K. L. Pandita, Advocate ^None Honble Mr. Justice M. M. Kumar, Chief Justice Date:

27. 11.2012 :

: M. M. Kumar, CJ 1.This appeal under Clause 12 of the Letters patent is directed against judgment and order dated 24.04.2009 rendered by the learned Single Judge of this Court, rejecting the claim of the appellant-petitioner that he was entitled to selection and appointment on the post of Junior Assistant. The learned Single Judge held that he could not qualify the type test and was not thus selected.

2. It is appropriate to mention that respondents have issued an advertisement on 09.03.1999 inviting 2 applications for the post of Junior Assistant. The appellant-petitioner applied under the Resident of Backward Area (for brevity RBA) Category. The prescribed qualification was Matric with the speed of 30 words per

minute in type writing. When the type test was conducted the appellant-petitioner was not permitted to appear because his RBA Certificate was not renewed.

3. The appellant-petitioner approached this Court by filing a writ petition. By an interim order dated 27.8.2001 the appellant-petitioner was permitted to be interviewed provisionally if he was otherwise eligible. The order was not to confer any vested right on the appellantpetitioner. He filed a contempt petition bearing no. COA(S) 52-A/2002 for non-implementation of the interim order. The contempt petition was disposed of on 25.07.2002 when the respondents made the statement that the appellant-petitioner would be interviewed and the date of interview was to be conveyed 10 days in advance to him. Accordingly, the Services Selection Recruitment Board (SSRB) constituted a selection 3 committee to conduct the type test for him on 16.1.2003.

4. The writ petition was finally disposed of on 17.10.2003, directing the respondents to conduct the typing test for the appellant-petitioner and interview him for the post of Junior Assistant. His merit was to be considered along with other eligible candidates who had participated in the selection process in pursuance of notification no. 1of 1999 dated 9.3.1999. The appellant-petitioner was to be appointed if he makes the grade. The type test was evaluated and the evaluator calculated his type speed at 29.5 words per minute. The officers of the Board found that the type script, on a cursory look, revealed errors because to naked eye a large number of mistakes were committed in typing the manuscript which have not been taken into consideration by the evaluator. The description of typed words, errors found and the correct speed recorded by the evaluator do not corroborate the conclusions about the actual typing speed of the appellant-petitioner. The evaluator had indicated that out of 325 words typed by 4 the appellant-petitioner he has committed 30 errors. In other words he has typed 295 words correctly. The speed thus calculated would be 29.5 words per minute. The evaluator recorded the speed as near about 30 words. It was found from the answer script that the number of mistakes were twice the number pointed out by the evaluator. Accordingly, the type script was reevaluated by another examiner who counted the errors to be 57 and the speed of the correct words (excluding repetitions at 205 words during ten minutes) which made the average speed of

20.5 words per minute as against the minimum prescribed speed of 30 words per minute. Therefore, the appellant-petitioner did not fulfill the minimum eligibility criteria/qualification in the type speed prescribed for the purpose.

5. Feeling aggrieved the appellant-petitioner approached this Court by filing the Writ petition relatable to the instant appeal. The learned Single Judge has rejected the argument that the Board had sat over the judgment of the Selection Committee by observing that firstly there was no challenge to the 5 evaluation of the second examiner who had found that he had committed 57 typing errors out of 262 words during ten minutes and has evaluated his typing speed as 20.5 words per minute.

6. Before us the same argument has been raised by the counsel for the appellant-petitioner. However, we regret out inability to accept the same.

7. It is in fact the duty of the Services Selection Recruitment Board to ensure fair treatment to all the candidates who appear in any selection process. The evaluation conducted by the first evaluator highlighted apparent mistakes which led to making a reference to the second evaluator. When we examine the report of the first evaluator, the qualifying speed is less than 30 words per minute i.e., 29.5. Even the first evaluator has remarked that the appellant-petitioner has the speed of near about 30 words per minute because he had typing speed of 29.5 words per minute. The appellantpetitioner would not be qualified even on the basis of the first report. The report of the second evaluator has shown that the appellant-petitioner has typed the 6 manuscript with speed of 20.5 words per minute. The object of any selection is to select the best talent available in the market in the concerned field. Any substandard human resource selected/appointed would always bring extra burden on the public exchequer. Therefore, we are of the considered view that this appeal does not merit admission and is thus liable to be dismissed.

7. As a sequel to the above discussion, this appeal fails and the same is dismissed. (Mohammad Yaqoob Mir) (M. M. Kumar) Judge Chief Justice JAMMU 27 11.2012 Anil Raina, Secy.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com