



GAHC010097142020



IN THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)
PRINCIPAL SEAT
W.P(C) No.3029/2020

Sri Bhubaneswar Sarma,

Age-55 years

Supervisory Assistant

Office of the Deputy Commissioner,
Nalbari

P.O- Nalbari, P.S. Nalbari, District.
Nalbari

PIN 781335

.....Petitioner

-Versus-

1. State of Assam,

Represented by Secretary, Government of Assam,
Dispur, General Administration Department, Janata
Bhawan, Dispur, Guwahati-6

**2. Commissioner Lower Assam Division, Assam,
Guwahati,** Panbazar, District-Kamrup(M)

3. Deputy Commissioner, Nalbari, P.O- Nalbari, P.S.
Nalbari, District-Nalbari, PIN 781335

4. Sri Umesh Ch. Das,

Revenue Sharistader, Office of the Deputy
Commissioner, Nalbari, PIN 781335

.....Respondents



- B E F O R E -
HON'BLE MR. JUSTICE SOUMITRA SAIKIA

Advocate for the petitioner : Mr. S.K. Goswami, Advocate

Advocate for the respondents : Mr. J.K. Goswami, Addl. Sr. Government Adv.
Mr. A. Phukan, SC, GAC
Mr. R. Ali for the Respondent No. 4

Date of Hearing : **20.02.2024**

Date of Judgment & Order: : **22.05.2024**

JUDGMENT AND ORDER (CAV)

The petitioner before this Court is presently serving as a Supervisory Assistant in the Deputy Commissioner Establishment, Nalbari, Assam. The grievance of the petitioner is that although he applied for selection and appointment to the post of Revenue Sheristadar and although he possesses all necessary qualifications and satisfies all the norms and requirements he was not selected rather the private respondent No. 4 was selected and appointed. Being aggrieved, the present writ petition has been filed.

2. The learned counsel for the writ petitioner submits that by Advertisement dated 05.07.2019, the post of Revenue Sheristadar in the amalgamated establishment of Deputy Commissioner, Nalbari was advertised. In the said advertisement, qualification for the post has been prescribed is 15 years of service in any of the Deputy Commissioner Establishment, Assam and has experience



in difference branches in General and Revenue Branch in particular. In response to the said advertisement, the petitioner having the requisite qualifications forwarded his candidature for due consideration. The learned counsel for the petitioner submits that the services of the petitioner and the private respondent No. 4 are governed under the Assam Ministerial District Establishment Service Rules, 1967. The said service comprises of several cadres including Supervisory Assistant and Revenue Sheristadar. The Rules prescribed that each of the categories of posts prescribed therein shall formed an independent cadre. The posts of Sheristadar was amended by Gazette Notification dated 25.08.1999 and was notified as Revenue Sheristadar. The qualification of the post has been prescribed as 15 years of service in any Deputy Commissioner Establishments and must have experience of working under different branches in the Department including Revenue Branch in particular. The post is a selection post and the selection is to be conducted by a selection Board comprising of four (4) members. The Secretary of the General Administrative Department is the Chairman, Commissioner of the concerned Division and Deputy Commissioner of the concerned District are Members and the Deputy Secretary to the Government of Assam, General



Administration (B) Department is the Secretary of the said Committee. The selection Board/Committee will examine the Annual Confidential Report and other relevant service particulars of the eligible candidates for assessment of merit. After due assessment, a list of names in the order of preference will be prepared and the same shall be forwarded to the Appointing Authorities. The Government of Assam by Notification dated 01.07.1999 has already informed that selection to the post of Revenue Sheristadar shall be strictly on merit.

3. The learned counsel for the petitioner submits that though the petitioner possessed all the necessary qualification and had more merit than the private respondent yet the private respondent was selected as the candidate for the post of Revenue Sheristadar by the selection committee over the writ petitioner. The learned counsel for the petitioner submits that pursuant to the orders passed by the selection committee, he had applied under RTI and in the reply received, it is seen from the Minutes that although the Commissioner, Lower Assam Division is a Member of the committee but only one Section Officer to the Commissioner was present in the meeting which is in contravention with Rule 7 of the Assam Ministerial District



Establishment (Amendment) Rules, 1999. The learned counsel for the petitioner further submits that although the selection to the post of Revenue Sheristadar was to be conducted strictly on merit, yet the selection committee did not assess the *inter se* merit of the candidates and instead merely recommended the private respondent to the post of Revenue Sheristadar. It is submitted that for the relevant period, the petitioner had been awarded 'Very Good' for all the relevant years under consideration in his ACR as compared to private respondent who was not awarded 'Very Good' all throughout. It is submitted that in so far as the present writ petitioner is concerned he had been graded 'Very Good' continuously for five years whereas the private respondent has been graded 'Very Good' for two years and 'Good' for three years. It is further submitted that there is a circular of the Government of Assam whereby different gradings were required to be allotted different marks as under:

- (i) Good: 1 marks;*
- (ii) Very Good: 2 marks and*
- (iii). Excellent: 3 marks*

4. The learned counsel for the petitioner submits that if these markings were allotted to the ACRs of the writ petitioner then he



would have secured higher marks and would have been selected as the Revenue Sheristadar in place of the private respondent. He submits that these markings were never awarded and the norms prescribed have been flouted by the selection committee and therefore the selection made is contrary to the provisions of law and it should accordingly be set aside and quashed. The learned counsel for the petitioner further submits that the private respondent did not have any experience of working in the Revenue Branch. He merely worked as a Record Keeper in the Revenue Department and therefore he did not have any experience of rendering service in the Revenue Branch but all these factors were not taken into account by the Selection committee and consequently the selection committee by their Minutes dated 02.01.2020 recommended the private respondent and pursuant thereto the private respondent was appointed vide impugned order dated 27.01.2020.

The learned counsel for the petitioner has relied upon the Judgment of the Apex Court in *Mukul Kumar Tyagi Vs. State of Uttar Pradesh*, reported in (2020) 4 SCC 86 in support of his contention that candidates who participated in a selection process can seek judicial review when persons who did not fulfill essential qualifications were included in the select list. It is submitted that



since the writ petitioner had better gradings in the ACR, there was no occasion for the Selection Committee to select the private respondent over the writ petitioner.

The learned counsel for the petitioner also relied upon the Judgment of *Subodh Chintey Vs. State of Assam and Ors*, reported in 2012 (1) GLT 377 and *Ramani Malakar Vs. State of Assam* passed in W.P(C) No. 5059/2022 vide Judgment and Order dated 30.08.2023.

The learned counsel for the petitioner also relied upon the Judgment of the Apex Court in *R.S. Dass vs. Union of India and Ors.*, reported in 1986 (Supp) SCC 617 in support of his contention that where the criteria for selection is merit, seniority has no role to play.

5. Mr. A. Phukan, learned Standing Counsel, GAD on the other hand disputes the contentions raised by the learned counsel for the petitioner. Referring to Rule 6 of Rules of 1967 he submits that for the post of Sheristadar, persons must have experienced of 15 years in any Deputy Commissioner Establishments and in different Branches in General and Revenue Branch in particular. He submits that the rank and status of the Revenue Sheristadar and the Administrative Officer are similar. For direct recruitment, the procedure prescribed under Rule 8 is followed. He submits



that the selection committee is required to examine the ACRs and service particulars of the candidates taking into account the consideration of the respective merit of the candidates and thereafter prepared names in order of preference for recruitment to the post. It is submitted that the experience and exposure in revenue matters is essential as under the said Rule all revenue matters are required to be looked after by the Revenue Sheristadar. It is submitted that the procedure prescribed under the Rules have been strictly followed and upon comparison of the inter se merit of the candidates, the selection committee had selected and recommended the respondent No. 4 to be the selected candidate and thereupon he was appointed to the post of Revenue Sheristadar. The learned Standing Counsel submits that under the Rules there is no procedure prescribed for awarding Marks. The circular referred to by the petitioner is not enclosed to the writ petition nor has it been produced before the Court and to the best of information available from the department no such circular is available in to the Department. The learned counsel for the respondent Department strenuously urged that the *inter se* merit was considered by comparing the suitability of the candidates. A comparison of the gradings in the respective ACRs as well as the service particulars revealed that the respondent No.



4 had rendered more number of years in the Revenue Branch than the petitioner. He submits that there is no infirmity in the selection and the contentions of the counsel for the petitioner are unfounded and therefore, the writ petition does not have any merit and should therefore be dismissed. The learned Standing counsel further submits that the Section Officer of the Commissioner, Lower Assam Division has been specifically authorized by the competent authority and therefore there is no infirmity in him being the member of the Selection committee.

6. Mr. R. Ali, learned counsel for the private respondent No. 4 supports the submissions made by the learned counsel for the respondent department. He submits that entire selection is conducted as per the procedure prescribed and there is no infirmity in the selection process undertaken by the selection committee and therefore the submissions of the learned counsel for the petitioner are unfounded and the writ petition being devoid of merit, the same should therefore be dismissed. The learned counsel for the private respondent further submits that there is a provision for appeal under Rule 12 and therefore on the ground of alternative efficacious remedy which the petitioner did not avail of, the petitioner may be relegated to file an appeal



under Rule 12. In support his contentions, he has relied upon the Judgment of the Apex Court rendered in Commissioner of Income Tax Vs. Chhabil Dass Agarwal, reported in (2014) 1 SCC 603. Relying on the Judgment, the learned Counsel submits that the Apex Court has held that where statutory remedies are available ordinarily the party should be relegated to avail the statutory remedies. It is further submitted by the private respondent that the ACR gradings reproduced by the writ petitioner does not reflect the gradings of the writ petitioner for the period 01.04.2017 to 19.10.2017. It is submitted that there are no gradings for that particular period in the ACR gradings referred to by the writ petitioner and therefore the ACR is not complete.

7. In rejoinder, the learned counsel for the petitioner submits that the Section Officer of the Commissioner, Lower Assam Division cannot be considered to be the competent officer to represent the Commissioner, Lower Assam Division as there is no provision for delegating the power to any other authority. Furthermore, the appeal referred to by the learned counsel for the respondent is not an efficacious remedy inasmuch as the concerned Deputy Commissioner of the District along with the Commissioner, Lower Assam Division is a member of the selection



committee. Under Rule 12 against the orders of the Deputy Commissioner, the right of appeal will lie to the Commissioner and from the orders of the Commissioner be the Chief Secretary. The learned counsel for the petitioner submits that he is aggrieved by the selection committee minutes at the first instance and the impugned order of appointment of respondent No. 4 issued by the Secretary of the Department. Therefore, there being no alternative and efficacious remedy, this writ petition is maintainable.

8. The learned counsel for the parties have been heard. Pleadings on record have been carefully perused. The Judgments referred to have also been carefully taken note of. The records relating to the selection have been called for and the same are also placed before the Court. The original records have also been perused.

9. Before we proceed to deal with the controversy, since the question of maintainability has been raised by the counsel for the respondent No. 4, the same is required to be addressed at the outset. The Judgments pressed into service in support of the contentions of the learned counsel for the respondent No. 4 has been carefully taken note of. In the said Judgment, the Apex



Court held that ordinarily where there is statutory remedy available the parties are required to be relegated to avail of such statutory remedies. The exceptions to the said principle has also been dismissed by the Apex Court. The Apex Court held that (i) where the statutory authority has not acted in accordance with the provisions of the enactment in question or (ii) in defiance of the fundamental principles of judicial procedure or (iii) has resorted to invoke the provisions which are repealed, or (iv) when an order has been passed in total violation of the principles of natural justice, then notwithstanding the availability or alternative remedy, the writ Court can exercise jurisdiction under judicial review.

10. It is seen from the Rules that the selection committee of the Selection Board is to be constituted of the following members, namely:

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|---|-----------------|
| <i>(a) Commissioner and Secretary to the Government of Assam, General Administration Department and in his absence Secretary to the Government of Assam, General Administration (B) Department-</i> | <i>Chairman</i> |
| <i>(b) Commissioner of the concerned Division-</i> | <i>Member</i> |
| <i>(c) Deputy Commissioner of the concerned District-</i> | <i>Member</i> |
| <i>and</i> | |



*(d) Joint Secretary or in his absence Deputy Secretary to the
Government of Assam, General Administration Department-
Member Secretary*

11. From the above, it is clear that the Deputy Commissioner and the Commissioner, Lower Assam Division are the members of the said selection committee. From the Rules, no provision is noticed for filing any appeal against the orders passed by the selection committee. The impugned appointment order passed by the Secretary to the Government of Assam, GAD is an order passed pursuant to the selection process undertaken. The challenge in the writ petition is primarily to the selection process and the Selection Committee Minutes which was conducted for selection of Revenue Sheristadar. Under the Rules, there is no specific provision for filing an appeal against the Selection Committee Members. The Selection Committee Minutes are not orders passed either by the Deputy Commissioner or by the Secretary/Commissioner of the Department. This order/Minutes is of the Selection Committee signed by all the members.

12. Under such circumstances, it will not be appropriate to reject the writ petition on the ground of alternative remedy at this stage. Accordingly, the Court now proceeds to adjudicate the issue raised before this Court.



13. The Rules 6(1) of the Assam Ministerial District Establishment Service Rules, 1967 (hereinafter referred to as 'the Rule of 1967') lays down the criteria for the post of Sheristadar. The Sheristadar is to be appointed by selection from amongst persons who must have served for atleast 15 years in any Deputy Commissioners Establishment and have experiences of different branches in General and of the Revenue Branch in particular. The procedure for selection is prescribed under Rule 8(iii) of the Rules of 1967. The said procedure is adopted for selection for Revenue Sheristadar in view of the note appended to the said Rules that the rank and status of the post of Administrative Officer shall be equal to that of the Revenue Sheristadar. Under Rule 8(iii) of the Rule of 1967, the procedure prescribed for selection of the Revenue Sheristadar is prescribed as under:

"8(iii) The appointing Authority shall advertise the vacancies by itself or may instruct the Deputy Commissioner concerned to advertise the vacancies inviting application from suitable persons eligible for appointment in the post of Administrative Officer fulfilling the requirement of the post as per clause (i) above. The Appointing Authority shall obtain the Annual Confidential Reports for the last five consecutive years and relevant service particulars of the eligible candidates for recruitment to the cadre of Administrative Officer and place the Annual Confidential Reports along with the relevant service particulars of the candidates before Selection Board with the number of vacancies likely to occur during the year. The selection Board shall examine the A.C.Rs and service



particulars of the candidates taking into the consideration of the respective merit of the candidates and prepare a list of names in order of preference for recruitment to the post.”

14. The list finally approved by the Appointing Authority shall be the select list for the post of appointment of Administrative Officer. Under the said Rule, the job classification is also provided for. Under Rule 8(2)(i), all revenue matters are to be looked after by the Revenue Sheristadar.

15. From the records, it is seen that there were as many as 9 (nine) candidates who has applied for the post. Out of these nine (9) candidates, four (4) candidates including the petitioner and respondent No. 4 fulfilled the criteria prescribed. The only controversy raised in the present proceeding is in respect of inter se merit between the petitioner and the private respondent. Since the dispute is between the petitioner and the private respondent No. 4, only their gradings as available from the statements in the record are reflected below:

Name of Employee	Grading of ACR				
	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Sri Umesh Ch. Das, Sr. Asstt.	1/04/2014 to 31/3/2015 (Good)	01/04/2015 to 03/11/2015 (Very Good) 04/11/2015 to 31/03/2016 (Good)	01/04/2016 to 14/07/2016 (Good) 14/07/2016 to 30/09/2016 (Very Good) 01/10/2016 to 31/03/2017 (Very Good)	01/04/2017 to 12/10/2017 (Very Good) 20/10/2017 to 31/03/2018 (Good)	01/04/2018 to 10/1/2019 (Good) Feb/2019 to March/2019 (Very Good)



Sri Bhubaneswar Sarma, S.A	01/04/2014 to 11/11/2014 (Very Good) 12/11/2014 to 31/03/2015 (Very Good)	01/04/2015 to 31/03/2016 (Very Good) 01/04/2016 to 14/07/2016 (Very Good) 14/07/2016 to 31/03/2017 (Very Good)	20/10/2017 to 14/01/2019 (Very Good)	17/01/2019 to 31/07/2019 (Very Good)
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16. The service particulars available in the record reveal that both the petitioner and the private respondent have worked under various Branches including Revenue Branches.

17. In so far as the writ petitioner is concerned, the service rendered under various Branches is as under:

Sl. No	Name of Incumbent	Date of Joining	Name of Branch	Period
1	Sri	28.08.90	Accounts Branch	28.08.90 to 31.12.90
2	Bhubaneswar	01.01.91	Land Reforms Branch	01.01.91 to 31.03.91
3	Sarma, Jr.	01.04.91	SPPL Branch	01.04.91 to 31.12.94
4	Asstt.	01.01.95	C.A. Branch	01.01.95 to 31.03.97
5	Sri	01.04.94	Land Acquisition Branch	01.04.97 to 30.06.04
6	Bhubaneswar	01.07.2004	D.M. Branch	01.07.07 to 30.06.09
7	Sarma, Sr.	01.07.2007	Land Acquisition	01.07.07 to 30.06.09
8	Asstt.	01.07.2009	Administration Branch	01.07.09 to 30.04.11
9		01.05.2011	Personnel Branch	01.05.11 to 31.08.15
10		01.09.2015	Land Acquisition Branch	01.09.15 to 30.10.17
11	Sri Bhubaneswar Sarma, Supervisory Asstt.	01.11.2017	SDPL Branch and conduct of Panchayat Election	01.11.17 to till date

Land Reforms branch, Land Acquisition Branch, Disaster Management Branch are revenue branches

From the chart, it is seen that the petitioner worked 14 years 2 months in the Revenue Branch.

18. Similarly, in so far as the respondent No. 4 is concerned, the service particulars available from the records are as under:

SL	Order No. & Date	Branch	From Date	To Date	Period
1	NPE-3/92/164 Dt. 19.12.95	Relief Branch	04.04.1990	19.12.1995	15.08.05
2	NPE-33/92/50 Dt. 20.12.95	Personnel Bn	20.12.95	22.01.97	02.01.01
3.	NPE-26/96/158 Dt. 22.01.97	Circle Revenue	23.01.97	13.03.2000	20.01.03
4	NPE-5/96 Dt.	Excise Br.	14.03.2000	14.03.2001	00.00.01



5	07.03.2000 NPE-5/96/297.A Dt. 01.03.2001	Pub N/b Dev. Block, Diphu	15.03.01	04.03.06	19.11.04
6	NPE-2/2002/62 Dt. 27.02.06	Circle (Rev) N/b	15.03.06	10.04.08	05.01.02
7	NPE-3/2008/9-10 Dt. 29.03.2008	Loan Branch	11.04.2008	14.10.09	03.06.01
8	NPE-6/05-09/126 Dt. 12.10.09	Sub Registrar, Nalbari	15.10.09	14.03.11	29.04.01
9	NPE-3/2008/164-A Dt. 10.03.11	Circle (Rev) Nalbari	15.03.2011	04.06.11	09.02.00
10	NPE-22/2001/53-A Dt. 17.08.20	Account Branch	05.06.11	30.08.2012	25.02.01
11	NPE-12/2001/39 Dt. 30.08.2012	RKG Branch	31.8.12	Till today	11.10.06

Relief Branch, Circle, RKG Branch, Loan Branch, Sub-Registrar are Revenue Branches

From the above, it is seen that the respondent No. 4 has worked more than 21 years in the Revenue Branches.

19. The question which confronts the Court now is whether comparison of inter se merits by ACRs and other service particulars can be held to be sufficient basis for determining the merit of the selected candidate. Admittedly, no markings have been issued during the selection process. It is also not in dispute that the Rules do not prescribe award of marks during the process of selection. The circular of the Personnel Department stated to be available has also not been placed before the Court by the learned counsel for the petitioner. Existence of such a circular is also not admitted by the respondent department. There is no malafide alleged against all or any of the officer/Members of the selection committee or the Appointing Authority, save and except that during the process of the selection, an S.O. authorized by the Secretary, Department of GAD was a member of the Selection



committee representing the Secretary, Department of GAD, Government of Assam.

20. The challenge in the present writ petition is made primarily that there was no assessment of inter se merits and that proper marks were not awarded while comparing the inter se merit of the candidates. The Rules are very categorical where it provides that the selection shall be on the basis of the gradings in the ACR and other relevant materials. The selection committee while considering the materials besides the ACRs had also taken into account, the number of years of experience during their service period in the Revenue Branch. This assessment made by the selection committee cannot be faulted with in view of the fact that under Rule 8 of the Rule of 1967, all revenue matters are required to be looked after by the Revenue Sheristadar. Therefore, it is a requirement under the Rule that the candidates must be exposed to revenue work during their service period which they have rendered under the Deputy Commissioner's Establishment.

21. Upon careful examination of the records and the materials available therein, it is seen that the respondent No. 4 had rendered 21 years in Revenue Branch as compared to the writ petitioner. Whether this is a valid criteria or an essential criteria is



not for a writ Court to decide. It is for the employer to decide the criteria for deciding a suitable candidate.

22. From the Rules, it is evident that the criteria prescribed under the Rules for selection is that the Selection Board/Committee will examine the ACRs and the service particulars taking into consideration respective merit of the candidates. It is also evident from Rule 8(2)(i) that all revenue matters are required to be looked after by the Revenue Sheristadar. Under such circumstances, the criteria adopted by the Selection Committee to look into the numbers of years of service rendered by each of the candidates in the Revenue Branch of a Deputy Commissioner Establishment, is a criteria adopted by the Selection Committee which is not specifically provided for under the Rules. However, considering the mandate of Rule 8(2)(i), adoption of such a criteria cannot be faulted with if the department considers it to be a necessary requirement.

23. A writ Court while exercising its powers under Article 226 of the Constitution is not required to sit an appeal over the decision of the Selection Committee. The power of the Writ Court under Article 226 is only to ensure that the authorities concerned act lawfully and as per the provisions of law as prescribed. The writ Court in exercise of its powers under Article 226 is required to



examine as to whether any arbitrariness had crept in into the decision making process or that the decision arrived at is contrary to the provisions of the law and/or the Rules or that any requirement of natural justice has been violated. A writ Court is not concerned with the decision arrived at by any authority but with the manner as to how the decision has been arrived at. Therefore, it is not open for a writ Court while exercising its jurisdiction under Article 226 to embark on any enquiry regarding inter se merits of the candidates. The criteria adopted of examining the number of years of experience under the Revenue Branch is a criteria adopted by the Selection Committee which appears to be a necessity to satisfy the requirement prescribed under the Rule 8(2)(i).

24. No malice has been alleged against any of the Members of the Selection Committee. There is no contention that the Rules of natural justice required to be followed have not been followed. The contention of the petitioner that the Secretary of the General Administration Department who was the Chairman of the Committee was represented by a Section Officer and therefore, the Constitution of the Selection Committee was not as per the prescription of the Rules and consequently the selection process undertaken by the said Selection Committee is vitiated needs to



be examined in the facts and circumstances of the case also does not have any merits. The Selection Committee is prescribed under Rule 8(2) comprising of Commissioner and Secretary to the Government of Assam of the General Administration (B) Department and in his absence, the Secretary of the said Department as the Chairman, Commissioner of the concerned division and Deputy Commissioner of the concerned district respectively are members and the Joint Secretary or in his absence the Deputy Secretary to the Government of Assam, General Administration (B) Department is the Member Secretary. The Rules however, do not prescribe any quorum for the meeting. In the absence of such a quorum being prescribed or in the absence of any prescription under the Rules that absence of the Chairman will vitiate the proceedings that no proceedings can be held without the members being present, the contention of the writ petitioner cannot be accepted. In *Ishwar Chandra Vs. Satyanarayan Sinha*, reported in (1972) 3 SCC 383, in the context of a recommendation made for appointment of the Vice Chancellor of the University, the Apex Court held that where there is no provision for quorum and out of two members of the Committee one was absent, the meeting would be considered to be valid and on that count the proceedings cannot be held to be



invalid. The Apex Court held that where there is no Rule or Regulation for fixing the quorum, the presence of the majority of the Members would constitute it as a valid meeting. That apart, the petitioner also has not been able to show that the representation of the Chairman of the said committee by the Section Officer in the meeting has caused prejudiced to the petitioner.

25. As discussed above, no malice has been alleged against any of the members of the Selection committee. The Court is concerned with the process of decision making arrived at by the Selection Committee which upon careful examination of the records have been found to be undertaken keeping the Rules and the Procedure in view. Although the procedure adopted by the Selection Committee is not reflected in the Minutes or in the counter affidavit filed on behalf of the Department, however, the same is discernable upon examination of the records and also the Court has accepted the submissions made by the learned Standing Counsel on the basis of instructions received. The employer concerned is the best judge of the criteria required for selecting the best man for the job. The criteria adopted by the selection committee of examining the number of years of service rendered in the Revenue Branch over and above the individual



gradings in the ACRs can be accepted to be valid criteria for the selection undertaken.

26. Reference in this case may be made to the Judgment of the Apex Court rendered in Dalpat Abasaheb Solunke and ors. Vs. Dr. B.S. Mahajan and Ors, reported in (1990) 1 SCC 305, wherein the Apex Court held that it is not the function of the Court to hear appeals over the decisions of the Selection Committees and to scrutinize the relative merits of the Candidates, Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The court has no such expertise.

27. In view of all the discussions above, the writ petition fails. The Court is not inclined to accept the contentions of the learned counsel for the petitioner. The writ petition is accordingly stands dismissed. No order as to cost.

28. For the reasons and discussions above, this Court does not finds the Judgments referred to by the learned counsel for the petitioner to be relevant for the purposes of this proceedings. Accordingly, the writ petition stands dismissed.

29. The departmental records are returned herewith.

JUDGE

Comparing Assistant

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