

4ITEM NO.109

COURT NO.3

SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4370 OF 2009

SHANTI DEVI

Appellant (s)

VERSUS

STATE OF M.P & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer
for interim relief and office report)

Date: 18/02/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s) Mr. Akhilesh Kr. Pandey, Adv.
Ms. Shalini Chandra, Adv.
Mr. S. Saran, Adv.
Mr. Rajesh Prasad Singh, Adv.

For Respondent(s) Mr. Vikas Upadhyay, Adv. For
Mr. B.S. Banthia ,Adv

Dr. Sumant Bharadwaj, Adv.
Mr. Dinesh Malviya, Adv.
Ms. Archana Dave, Adv.
Ms. Mridula Ray Bharadwaj, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the
signed order.

(Sonia)
Sr. P.A.

(M.S. Negi)
Court Master

(Signed order is placed on file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4370 OF 2009

Shanti Devi

....Appellant

Versus

State of Madhya Pradesh & Ors.

.....Respondents

O R D E R

The matter relates to selection and appointment of a Shiksha Karmi by the Janpad Panchayat, Bhandar, district Datia, in pursuance of an advertisement issued in the year 1998. The appellant and fourth respondent were the candidates for the post. The Selection Committee held an interview and appointed fourth respondent. The appellant challenged the said selection by filing an appeal before the Collector alleging that she possessed better educational qualification than fourth respondent, and as the father of fourth respondent was a member of the Selection Committee and Janpad Panchayat Samiti, she was selected. By order dated 31.3.1999, the collector cancelled the appointment of the fourth respondent and issued directions for fresh interview in the presence of Deputy Director of Education, Datia. The said order of the Collector was challenged by the fourth respondent in a Revision. During the pendency of the Revision, fresh interview was held by the Selection Committee in the presence of the Deputy Director. Again fourth respondent was selected and appointed on 10.6.1999.

3. The appellant again challenged the selection and appointment of fourth respondent made on 10.6.1999. She contended that easy questions were put to fourth respondent and difficult questions were put to her so as to prefer the fourth respondent; and that the marks given by one of the members was also tampered by overwriting. The Additional Collector dismissed appellant's appeal. On a revision by the appellant, it was held that the Asst. Collector had no jurisdiction and the matter was remanded to the Collector, Datia, who

passed an order dated 7.2.2005 setting aside the appointment and directing fresh selection. The revision filed by the fourth respondent was dismissed by the Commissioner on 7.3.2005. Fourth respondent challenged the order of the Commissioner in a writ petition and a learned Single Judge of the High Court allowed the writ petition on the ground that the selection process was proper and the mere fact that some of the members of the Selection Committee allotted more marks to fourth respondent in the interview can not be a ground to interfere with the selection. He also held that once the appellant participated in the interview she could not challenge the constitution of the Selection Committee. That order of the learned Single Judge has been affirmed by the Division Bench by dismissing the appellant's appeal.

4. In this appeal, the appellant contends that the fourth respondent was selected because of her close relationship with a member of the Janpad Panchayat that the High Court ignored the report of Deputy Director that the entire process of selection was vitiated.

5. The High Court found that the second round of selection on 10.6.1999 was in the presence of an independent observer and was video-graphed. The interview was conducted by a properly constituted selection committee and there were no irregularities in the selection process. The appellant participated in the interview without protest. It is not possible to interfere with the selection made by a duly constituted selection committee, on the ground that easy questions were to put to one candidate and difficult questions were put to another candidate. The High Court rightly found that there was no ground to set aside the

selection and that the appellate and revisional authorities were not justified in interfering with the selection. The fourth respondent has been working for more than eleven years now. In the circumstances, there is no ground to interfere with the decision of the High Court. The appeal is accordingly dismissed.

.....J.
(R.V. RAVEENDRAN)

.....J.
(H.L. DATTU)

New Delhi;
February 18, 2010.