

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4452 OF 2012

RAJINDER SINGH & ANR.

Appellant(s)

VERSUS

H.P. SUBORDINATE SERVICE SELECTION
BOARD & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 4453 OF 2012

O R D E R

The challenge in the present appeals is to an order passed by the High Court of Himachal Pradesh on 07.01.2010, whereby the appointment of the appellants to the post of Excise and Taxation Inspector was set aside for the reason that they have not obtained more than 141 marks in the Screening Test, which is the cut-off marks for the General Category.

The learned senior counsel appearing for the appellants has pointed out that the Screening Test was a qualifying test, whereas the merit was to be based upon subjective test in General English and General Hindi Language, Precis Writing and Essay Writing of 200 marks and interview of those who qualify the subjective test carrying 30 marks.

The High Court completely misread the marks obtained in the Screening Test for the purposes of determining merit of the candidates to be selected as

the marks obtained in the subjective test and personal interview alone should be taken into consideration for the purposes of determining merit, rather than the marks in the Screening Test. The screening Test is to short list candidates for the subjective Test. The marks obtained therein are not relevant to determine the cutoff for appearing in the subjective Test.

In view of the said fact, we find that the order of the High Court suffers from patent illegality. The same is set aside and the writ petition filed by the respondents is dismissed.

In view of above, the civil appeals are allowed.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[VIKRAM NATH]

New Delhi;
AUGUST 03, 2022.

ITEM NO.103

COURT NO.8

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4452/2012

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C.A. No. 4453/2012 (XIV-A)

Date : 03-08-2022 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE VIKRAM NATHFor Appellant(s) Mr. J. S. Attri, Sr. Adv.
Mr. Rameshwar Prasad Goyal, AOR
Mr. Vikas Kumar Singh, Adv.For Respondent(s) Mr. Arvind Kumar Bakshi, Adv.
Mr. Prakash Kumar Singh, AORUPON hearing the counsel the Court made the following
O R D E R

The Civil Appeals are allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed
of.(JAYANT KUMAR ARORA)
ASST. REGISTRAR-CUM-PS(RENU BALA GAMBHIR)
COURT MASTER

(Signed order is placed on the file)