**IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA**

**CWP No.9066 of 2013.**
**Decided on : 31st October, 2026**

Om Parkash ...**Petitioner.**

Versus

State of H.P. & Ors. ....**Respondents.**

***Coram:***

***Ms. Justice Jyotsna Rewal Dua, Judge.***

*Whether approved for reporting?*[1]

**For the Petitioner:** Mr. Abhinav Mohan Goel, Advocate.

**For the respondents:** Ms. Seema Sharma, Deputy Advocate General for respondents-State.

**Jyotsna Rewal Dua, Judge.**

In this writ petition, instituted on 18.11.2013, the petitioner has laid challenge to the appointment of respondent No.6 as Jal Rakshak in GWSS Harlu-Damot Scheme, Gram Panchayat Nehar Swar under Irrigation and Public Health Sub-Division, Jamta, Tehsil Nahan, District Sirmour, H.P.

2. Heard and considered the case file.

3. Respondent No. 6 was appointed as Jal Rakshak on the recommendation of respondent No.4-Selection Committee, vide appointment letter dated 17.08.2013. Petitioner has laid challenge to respondent No.6's appointment on the grounds that the Selection Committee had wrongly awarded more marks to respondent No.6 in the

[1] Whether reporters of the local papers may be allowed to see the judgment?

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selection process. The case set up by the petitioner is that total marks that could be awarded were 100, which were subdivided into two sets of 50 marks each. The first set of 50 marks was meant for objective assessment of the candidate based upon his academic qualification, experience and other factors, whereas the second set of 50 marks was under the heading 'Personal Interview'. In personal interview, petitioner has been given lesser marks as compared to respondent No.6, even though respondent No.6 has scored lesser marks in the objective assessment than the petitioner.

4. In the reply filed by respondents No.1 to 4, factual submission made is that respondent No.6 selected by the Selection Committee belongs to Village Harlu Damot, which is being served water supply under the Sector Storage Tank. The petitioner does not belong to Village Harlu Damot. He belongs to Village Nehar which is about 4 km away from the sector storage tank. Jal Rakshak was required for operation and maintenance of Harlu Damot Scheme below the Sector Storage Tank in the said village. Local persons are considered more suitable for the work or task assigned to them, as they are available all the time as they live in the same village. That apart, ***Tajvir Singh Sodhi and Others versus State of Jammu and Kashmir and Others***[2]***,*** holds that while

[2] (2023)17 SCC 147

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exercising the power of judicial review, court cannot step into the shoes of selection committee or assume an appellate role to examine whether marks awarded by the selection committee in viva voce are excessive and not corresponding to their performance in such test.

For the foregoing, no interference is called for in the impugned selection and appointment of respondent No.6. Consequently, this petition fails and is dismissed. Pending applications, if any, also stand disposed of.

**Jyotsna Rewal Dua**
**Judge**

**31st October, 2026.**
**(jai)**

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