

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.14075 of 2012
Date of Decision:18.03.2015**

Jasbir Singh

. . . . Petitioner

Vs.

State of Punjab and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.O.S. Batalvi, Advocate,
for the petitioner.

Mr.Ashish Sharma, Addl. A.G. Punjab.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for a writ in the nature of prohibition direction the respondents not to act upon the merit list of Horticulture Sub Inspectors and not to issue any appointment letter to any candidate, who has been selected for the said post pursuant to the advertisement dated 29.10.2011; and for a writ in the nature of certiorari to quash the condition No.(ii) laid down in the advertisement dated 29.10.2011 laying down the qualification of the B.Sc (Agri.) degree from the recognized University or Institution which is not required for the post of Horticulture as the appropriate qualification would be 'Gardeners Training Course/Diploma' from the recognized University or Institution; and a writ in the nature of mandamus to consider the right of the petitioner, being eligible candidate, for the post of Horticulture Sub Inspector having qualification of one year Gardeners Training

Course from the Punjab Agriculture University, Department of Horticulture, Ludhiana in the year 1995.

It is alleged that the Department of Agriculture and Horticulture and Soil and Water Preservation Department, Punjab advertised various posts including Horticulture Sub Inspector in the pay scale of ₹5910-20200 + 2400 GP. The qualification for the post of Horticulture Sub Inspector was provided as under: -

11.	Horticulture Sub Inspector (Male only)	5910-20200 + 2400 GP	<i>Essential</i> i. Senior Secondary Examination Part 2. ii. Two years Diploma Course in Agriculture from Punjab Agricultural University OR B.Sc. (Agri) degree from recognised University or Institution iii. Pass in Punjabi upto Matric standard] age: the age should not be less than 18 years and not more than 37 years as on 1.1.2011	Gen: 03 SC : 02 Total: 5 80% seats for Diploma Holders 20% seats for B.Sc. (Agri) Degree holders
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The petitioner also applied for the aforesaid post but for the purpose of qualification appended the certificate of one year Gardeners Training Certificate. It is alleged that in the past, the

post of Horticulture Sub Inspectors were even offered to a person having Matric with one year Gardeners Training certificate. Thus, he is aggrieved that in the Advertisement dated 29.10.2011, the respondents should have provided the qualification of one year Gardeners Training certificate as the post is meant for Horticulture Sub Inspector and not for the Agricultural Sub Inspector.

In reply, filed on behalf of respondents No.1 & 2, by way of an affidavit of Assistant Director of Horticulture, Punjab, it is alleged that the qualification for the post of Horticulture Sub Inspector advertised by the University was not in accordance with the qualification mentioned in the requisition sent by the Department of Horticulture, therefore, on the instructions of the Department, the University issued a corrigendum laying down the following qualification of the Horticulture Sub Inspector: -

11.	Horticulture Sub Inspector (Male only)	5910-20200 + 2400 GP	<i>i. Should have passed examination of Matriculation in Second division or has passed Senior Secondary Part-2 examination or its equivalent from a recognized University or Institution.</i> <i>ii. Should have passed Agriculture Sub Inspector Training Course from a recognised University or Institution.</i> <i>Two years Diploma Course in Agriculture from Punjab Agricultural University</i> <i>iii. Pass in Punjabi upto Matric standard.</i>
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It is also submitted that the qualification of Gardener Training Course is meant for the post of Horticulture Supervisor

and not for the Horticulture Sub Inspector and the petitioner cannot insist on the qualification of his choice for the said post. It is further alleged that the recruitment and condition of service of the employees of the Department of Horticulture is regulated by the provisions of the Punjab Subordinate Agricultural Services Rules, 1933 [for short ‘the Rules’] which are still applicable to the Group ‘C’ employees. Rule 7(1)(c) of the Rules provides for the method of recruitment to the post of Mukaddam (Horticulture Sub Inspector) and Rule 6(i)(b) of the Rules provides for educational and technical qualification for Mukaddam. It is further alleged that the Department of Horticulture, Punjab was created in the year 1979 by bifurcation of Horticulture wing of Agriculture Department and the service Rules, namely, Punjab Horticulture (Group ‘C’) Service Rules, in respect of the employees of Group ‘C’ have been framed and submitted to the Government for approval. As per provisions of Appendix ‘B’, appended to the draft service rules, the method for recruitment to the post of Horticulture Sub Inspector/Mukaddam is as under: -

Percentage for appointment by:		Method of recruitment, qualification, experience for appointment by:	
Promotion	Direct appointment	Promotion	Direct appointment
Eighty percent	Twenty percent	From amongst the Beldars working under the control of the	i) Should have passed examination of matriculation in second division or

		<i>Director Horticulture, who are Matriculates with Punjabi as one of the subjects from a recognised University or Institution and who have an experience of working as such for a period of ten years.</i>	<i>have passed senior secondary Part-2 examination or its equivalent from a recognised University or Institution.</i> <i>ii) Should have passed Horticulture Sub Inspector Training Course from a recognised University or Institution.</i>
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It is also alleged that against the post of Horticulture Sub Inspector nobody having the qualification of Gardner Training Course was selected and therefore, the petitioner has not been prejudiced.

I have heard both the learned counsel for the parties and examined the record.

The petitioner has prayed for a writ not to appoint anyone on the basis of the result of the Horticulture Sub Inspector without even impleading the selected candidates.

Be that as it may, the basic prayer made by the petitioner is that the respondents should have mentioned the qualification of Gardner Training Course which he possesses as one

of the qualifications for the post of Horticulture Sub Inspector. It appears that he has lost sight of the fact that the said qualification in the Advertisement is conspicuous by its absence because it is not provided in the Rules, namely, the Punjab Horticulture Group 'C' Service Rules, which has not been challenged by the petitioner in this writ petition. Moreover, the qualification of Gardner Training Course is meant for Horticulture Supervisor and not for the post of Horticulture Sub Inspector and therefore, the petitioner cannot insist upon providing the qualification, possessed by him, for the purpose of a particular post on the basis of some earlier advertisement.

Thus, I do not find any merit in the present writ petition.

Dismissed.

18.03.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**