

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

Civil Writ Petition No.19550 of 2015

Date of decision: 15.9.2015

Rajat Sharma and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sunil Garg, Advocate,
for the petitioners.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The Director, Land Records, Punjab in the office of Directorate of Land Records, Jalandhar, Punjab has issued employment notice by publication in the press calling for applications for filling up posts of Revenue Patwari in the State of Punjab and the last date of registration is fixed for 15.9.2015 which is today. However, the last date for deposit of application fee is 18.9.2015. The petitioners on their own showing possess qualification of matriculation and 10+2 but they do not possess a Graduate degree in any discipline from a recognized university which means that they are not Graduates. Para. 3 of the advertisement lays down qualifications which makes possession of a Bachelor degree as mandatory, otherwise, the application would not be considered. The petitioners have not applied for

the post as they have been excluded from the essential qualifications required for the post and have approached this Court seeking a writ of Mandamus to the State directing them to consider their request and accept their applications online today so that their cases can be considered for the posts. The case set up by the petitioners is that the advertised qualifications are not in sync with the essential qualifications laid down in rule 7 of the Punjab Revenue Patwaris, Class II Service Rules, 1966 which is said to be the governing rules of service applicable to the posts advertised. Rule 7 of the 1966 rules lay down the academic qualifications as follows : -

“7. **Academic qualifications** : - No person shall be accepted as a Patwari candidate for appointment to the service unless he --

- (i) has passed the Matriculation or Higher Secondary examination of a recognized University *preferably with Agriculture* as one of the subjects:
- (ii) Possesses qualifications in Hindi and Punjabi upto Middle standard such standard as may be specified by the Government from time to time, and
- (iii) has a good knowledge of a rural economy and culture.”

Rule 8 prescribes the qualifications for appointment and require that no Patwari candidate shall be eligible for appointment to the service unless he qualifies the Patwar examination after attending the Patwar school for a minimum period of one year and after passing the examination undergoes such practical field training for a period of six months as may be specified by the Collector of the District in which they are allocated.

Rule 9 prescribes the appointing authority to be the Collector of the District. At present, the stage of appointment has not reached since that can be done only amongst the accepted Patwari candidates. The stage is to

consider the candidates as who qualify the eligibility conditions for being sent to the Patwar School and that is what the instant process is about.

A reading of the academic qualifications in rule 7 shows that the rule has been framed in the negative. All that it says is that no person shall be accepted as Patwari candidate unless he has passed Matriculation or Higher Secondary examination from a recognized University preferably with Agriculture as one of the subjects. The rule does not prescribe any minimum qualification. It is only the minimum qualifications which cannot be relaxed as per the law evolved by Courts. Since rule 7 prescribes only the minimum threshold and thus, the advertisement can be seen as only supplemental to the rules but are not to be read as supplanting them. It is open to the Government to seek higher qualifications in the year 2015 as against the position obtaining in 1996 when the rules were promulgated and this is clearly in search of better talent who are higher qualified to improve the service and to reduce the barrage of anticipated applications which may be from candidates which might be impossible to handle or cope with for filling the posts of Revenue Patwari in Punjab. To this end, the Government has acted within its right to lay down the minimum qualification of Graduation in any discipline from a recognized University as a condition precedent. In this process, if candidates with only Matriculation with 10+2 are excluded, then they cannot complain as the qualification laid down in the impugned advertisement is not contrary to rule 7 as there is a reasonable classification inbuilt in the advertisement which acts by itself as a process of shortlisting at the threshold. Shortlisting is a permissible method in law to reduce number of candidates to a manageable number and therefore I have no reason to interfere in this writ petition and would dismiss the same.

Order Dasti

(RAJIV NARAIN RAINA)
JUDGE

September 15, 2015
Paritosh Kumar