

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

Civil Writ Petition No. 23829 of 2013 (O&M)

Date of decision : 27.2.2015

Krishan Kumar and others

.. Petitioners

versus

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Girish Agnihotri, Senior Advocate with
Mr. Vijay Pal, Advocate, for the petitioners.
Mr. Kuldeep Tiwari, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The petitioners, who are applicants for the post of Animal Attendants, Grade IV, have filed the present petition impugning the communication and the public notice issued by the authorities, whereby, the process of selection was cancelled.

Learned counsel for the petitioners submitted that Director, Animal Husbandry and Dairying, Haryana advertised 1,034 posts of Animal Attendants on 2.9.2011. The last date for receipt of applications was 1.10.2011. The petitioners being eligible as per the qualifications and other conditions laid down in the advertisement, applied for the same. They were issued interview cards and were interviewed. Process of interview continued till 4.8.2012. However, later on the petitioners were surprised to see the public notice issued in August, 2013 that the process of selection has been cancelled due to departmental reasons. The submission is that once, the entire process for selection, namely, the interview had been conducted, the members of the interview committee must have awarded the marks immediately after conclusion of the interview. There was no good reason for cancelling the process of selection, as a legitimate right had accrued in favour of the petitioners and other candidates, who had participated in the

process of selection to see as to whether they have been selected or not. No reason has been assigned in the public notice. In reply to the petition, the plea sought to be raised is that the coram was not complete, hence, the process of selection could not be completed, which is not tenable. The petitioners and the other candidates, who had applied and participated in the process of selection have suffered prejudice, as many of them would be over aged and will not be able to compete in the fresh process of selection initiated by issuing advertisement in February, 2014. Reliance was placed upon the judgment of Hon'ble the Supreme Court in Bhagwan Parshu Ram College and another v. State of Haryana and others, 1999 (6) SCC 46.

On the other hand, learned counsel for the State submitted that after the receipt of applications, when the process of selection was still in progress, the same was challenged in this Court vide CWP No.18724 of 2012 titled as Satbir Singh and another vs State of Haryana and another, in which, vide order dated 20.9.2012, declaration of the result was stayed. The aforesaid writ petition was finally disposed of on 11.3.2013. Prior to that the result could not be declared. During the interregnum, number of members of the interview committee (s), which were constituted for the purpose of interviewing the candidates, retired. Hence, the entire result could not be compiled and in these circumstances, the authorities decided to scrap the same, and now fresh advertisement has been issued. He further submitted that no right had been vested in the candidates, who applied for the post. In case the process of selection has been cancelled by the competent authority for valid reasons, which are existing in the present case, as have already been submitted. He further submitted that even if, a candidate is selected, the same does not confer any right on him to seek appointment.

Heard learned counsel for the parties and perused the paper book.

In the case in hand, 1,034 posts of Animal Attendants, Grade IV, were advertised on 2.9.2011. The last date fixed for receipt of applications was 1.10.2011. Different committees were constituted for interviewing the candidates vide order dated 14.6.2012 at five places in the State. The process of selection was challenged by some of the candidates before this Court in Satbir Singh's case (supra), in which vide order dated 20.9.2012, declaration of the result was stayed. The interviews continued till

4.8.2012. The aforesaid writ petition was disposed of 11.3.2013. It was thereafter that the public notice was issued by the authorities on 26.8.2013 that the process of selection had been cancelled, though no reasons has been assigned in the public notice. However, in para 4 of the preliminary objection, it has been stated that before finalisation of the selection in question due to pendency of the writ petition before this Court, number of members of the selection committee(s) at different level had retired, as a result of which final recommendation for the selection could not be made by the committee(s) so constituted. It was under these circumstances that the process of selection was scrapped.

In the present case, the petitioners have not alleged any malafide on account of which the process of selection was scrapped. As has already been referred to above, the reason for scrapping the selection was that the selection committee (s) constituted did not compile the result. The delay was on account of the fact that initially the declaration of result remained stayed as the matter was pending in this Court. Though petitioners may be right in contending that the result of selection should have been prepared immediately after interview, however, the fact in the present case remains that it was not prepared. Hence, I do not find any reason to interfere with the decision taken by the authorities to scrap the process of selection.

However, I find some merit in the submissions made by learned counsel for the petitioners to the extent that many of the applicants may be facing the difficulty of age bar in case they apply in the fresh process of selection initiated by the Government.

Rule 5 of Haryana Veterinary Headquarter and Field (Group-C) Service Rules, 1999 (for short, 'the 1999 Rules'), provides that the age of entry into service is not less than 17 years or more than 35 years on or before the first day of the month next preceding last date of submission of application. Rule 17 of the 1999 Rules empowered the State Government to relax any provisions of the Rules for the reasons to be recorded with respect to any class or category of persons.

It was not disputed by learned counsel for the State that the process of selection initiated vide advertisement no. 02/2014 published on 22.2.2014, has not yet been completed.

Considering the aforesaid fact and also that some of the applicants, who had applied in pursuance to the advertisement issued on 2.9.2011 may have become over age with reference to the advertisement issued in February, 2014, in my opinion, the matter is required to be considered by the Government in the light of powers vested in it under Rule 17 of the Rules for grant of relaxation to the class of such candidates regarding their age.

The writ petition is disposed of accordingly.

27.2.2015

vs

(Rajesh Bindal)
Judge