

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.206

CWP No.25279 of 2014 (O&M)
Date of decision: 23.09.2015

Court of its own motion

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Harish Rathee, Senior DAG, Haryana.

Mr. H.N. Mehtani, Advocate
for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

On taking cognizance of a letter written by one Suresh Kumar resident of VPO Barwala, District Hisar, this Court issued notice to the respondents through the following order:-

"Petitioner complains that he has been prejudiced due to publication of brochure of Haryana Public Service Commission ('HPSC' for short) only in the English language, whereas it ought to have been published in Hindi as well as in English. Petitioner is feeling aggrieved that he was denied the equal opportunity on the basis of language.

Notice of motion to the State of Haryana through the Secretary, Department of Home Affairs, Chandigarh and Haryana Public Service Commission through its Secretary, Bays No.1-10, Block-B, Sector-4, Panchkula, for 21.02.2015."

The grievance of the above said Suresh Kumar as noticed by this Court in the above quoted order was that he had been prejudiced on

account of publication of the brochure by the Haryana Public Service Commission (hereinafter referred to as 'the Commission') with regard to appointments to the Haryana Civil Service (Executive Branch) only in the English language. According to him, the brochure ought to have been published in Hindi as well. In response to the notice issued by this Court, it has been submitted on behalf of the Commission that the above said Suresh Kumar, in pursuance to the brochure got published by the Commission had applied for consideration of his candidature for appointment as a member of the Haryana Civil Service (Executive Branch). His candidature was considered but he did not qualify the preliminary examination. Once, on the basis of the brochure so published by the Commission the above said Suresh Kumar had made his application for consideration of his candidature for appointment as a member of the Haryana Civil Service (Executive Branch), which was duly considered, I fail to understand what prejudice has been caused to him on account of the publication of the brochure in the english language only.

Notice of the response filed by the Commission was given to Suresh Kumar through the e-mail address given by him in his complaint/representation but he has not bothered to appear and assist the Court.

Even otherwise, the eligibility condition for appearing in the Haryana Civil Services Examination is graduation in which the Court is informed that English is a compulsory subject. Further, in the written examinations for the Haryana Civil Service (Executive Branch), the candidates who do not qualify Hindi and English languages, which are compulsory subjects, with at least 33% marks are not even considered for

appointment. Thus, knowledge of English is compulsory for a candidate to be even considered for appointment as a member of Haryana Civil Service (Executive Branch) and Allied Service.

That being so, I find no illegality with the brochure published only in the English language.

The view of mine as expressed above is supported by a Division Bench judgment of this Court rendered in **LPA No.150 of 2009** titled **Silak Ram and others versus State of Haryana and others**, decided on 16.03.2009, wherein it has been held as under:-

“We have considered the solitary contention advance by the learned counsel for the appellants. The learned Single Judge while disposing of CWP No.1820 of 2009 vide order dated 5.2.2009, had clearly noticed, that the eligibility condition for taking Haryana Civil Services Examination is graduation, and as such, merely on account of the fact that the appellants had answered their questions upto matriculation in Hindi, would not justify a claim, that the question papers should be set in English. It is also clear that all the appellants were sufficiently acquainted with the English language, so as to enable them to understand the questions posed in the Haryana Civil Services Examination. In this behalf, the learned Single Judge while disposing of CWP No.1820 of 2009 had expressly noticed, that the first petitioner i.e., the appellant No.1, had acquired the qualification M.Phil in Philosophy, the 2nd petitioner, i.e., appellant No.2 possessed a of Master's degree in Philosophy, and the third petitioner i.e., appellant No.3, possessed a Doctoral degree in Philosophy, it was accordingly concluded, that the appellants were well versed with the knowledge of English language, so as to understand the questions posed to them in the Haryana Civil Services

Examination, as the appellants had pursued their academic career after qualifying the matriculation examination in English. We find no infirmity in the aforesaid conclusion.""

In view of the above, I find no merit in the present petition and the same is ordered to be dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

September 23, 2015

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