

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

CWP No.779 of 2013

Date of decision: 12.03.2015.

Sudesh Kumari

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Ravikant Sharma, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. D.A.G., Haryana
for the respondents – State.

Daya Chaudhary, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of Advertisement No.01/2011 dated 18.03.2011 qua recruitment to the post of Supervisor (Female) to the extent that 25% posts are meant for matriculate candidates, who are having experience on the post of Anganwari Workers or Bal Sevika, as per Rule 9(j) of the Haryana Women and Child Development Department Group-C Services Rules 1997.

Learned counsel for the petitioner submits that for the aforesaid category, the maximum age limit is 45 years not 40 years.

Learned counsel also submits that no post has been advertised for

matriculate candidates and the same has been advertised by giving benefit to the graduate candidates only, which is contrary to the rule.

Reply on behalf of State as well as Staff Selection Commission has been filed, which are on record. Learned counsel for the petitioner also submits that the reply filed by the State as well as Staff Selection Commission is contrary to the facts.

Learned State counsel has brought to the notice of this Court that the selection process for these posts have already taken place as result was declared on 04.10.2013 and recommendation was sent by Selection Commission on 24.10.2013. Learned State counsel also submits that even in the list of short-listed candidates, the name of the petitioner does not figure keeping in view the percentage of marks obtained by her.

Heard arguments of learned counsel for the petitioner as well as learned State counsel.

Keeping in view the submissions made by learned State counsel and also the fact that selection has already taken place and names of selected candidates have been recommended. The selected candidates are not party in this petition and in case, the advertisement is quashed, then the selected candidates would be the effected party. Moreover, in the written statement filed by the State, it has been mentioned that the short reply by way of an affidavit has been filed by Additional Director, Women & Child Development Department, Haryana, Panchkula. It has also been mentioned that earlier 51 posts

were advertised vide Advertisement No.3/2008, category No.19 and 20 wherein 5 posts were meant for graduate candidates and remaining 46 posts were meant for matriculate candidates. 5 graduate candidates have been recommended and appointment letters have been issued to them. It has also been mentioned that against the requisition of 369 posts, 278 posts are meant for graduate candidates and vide advertisement No.01/2011 dated 19.03.2011, interview has taken place and the Selection Commission has not advertised 91 posts for matriculate candidates having 10 years experience as Anganwari Workers because of stay granted by this Court in **CWP No.10727 of 2010** titled as **Smt. Kamla vs. State of Haryana and others**, which has been dismissed on 25.07.2012.

Accordingly, there is no merit in the contentions raised by learned counsel for the petitioner and the writ petition being devoid of any merit is hereby dismissed. Moreover, the selected candidates are not party in this petition, hence, no order can be passed in their absence.

However, in case, the petitioner is still aggrieved regarding quota and if posts of matriculate candidates are still vacant, she is at liberty to move representation to the concerned authorities in case those posts are advertised

12.03.2015
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(DAYA CHAUDHARY)
JUDGE