

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

LPA No. 349 of 2015 (O&M)

DATE OF DECISION : 21.04.2015

C.P. Saharan and another

.... APPELLANTS

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. K.K. Gupta, Advocate,
for the appellants.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 09.10.2014 passed by the learned Single Judge, whereby the writ petition (CWP No. 20386 of 2010) filed by the appellants seeking direction to the respondents to consider them eligible for the post of Deputy Registrar, Co-operative Societies, Haryana, has been dismissed.

Though there is delay of 40 days in filing the instant appeal, and the appellants have filed an application (CM No. 686-LPA of 2015) for condoning the delay, yet we have heard learned counsel for the appellants on merits and have gone through the order passed by the learned Single Judge.

Undisputedly, as per the Haryana State Cooperative (Group A) Service Rules, 1996, for the post of Deputy Registrar, Co-operative Societies, Haryana, a candidate must possess (i) Second Class post graduate in Arts/Science/ Commerce or a First Class Bachelors Degree in Arts/Science/Law/Business Management from a recognised University; (ii) Five years administrative experience in a Development Department; and (iii) Knowledge of Hindi/ Sanskrit upto Matric Standard.

In this case, though the appellants are possessing the educational qualification as per the Rules, but according to the respondents, the appellants do not possess five years administrative experience in a Development Department. Though they have experience of more than five years in the Food Corporation of India (FCI), but it is the contention of the respondents that the FCI is not a Development Department, therefore, the appellants are lacking five years administrative experience in a Development Department. The respondents are relying upon corrigendum dated 01.12.2010 issued by the Haryana Public Service Commission, copy of which has been annexed with the written statement as Annexure R-1, wherein it has been clearly stated that the Departments of Agriculture and Horticulture, Cooperation, Animal Husbandry and Dairying, Development and Panchayat, Rural Development and Fisheries are the departments, which fall under the term “Development Department”. The FCI is not covered by the said corrigendum. It is also undisputed position that the said

corrigendum was issued before the start of the process of recruitment. Taking into consideration all these factors, the learned Single Judge has dismissed the writ petition, which in our opinion is perfectly legal and valid.

The only contention raised by learned counsel for the appellants is that the FCI may also be treated as a Development Department and the corrigendum issued by the Haryana Public Service Commission before the start of the process of recruitment should not be taken into consideration, as no such corrigendum can be issued to explain the term “Development Department”. We do not agree with this contention. When there is an ambiguity in an advertisement issued for recruitment, the recruitment agency is competent to clarify the same by explaining the advertisement before the start of the process of recruitment and it has been rightly done by the recruitment agency in the instant case. Thus, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

April 21, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE