

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

LPA No.811 of 2015 (O&M)
Date of decision: 27.05.2015

Neeraj Rathi and another

....Appellants

Versus

State of Haryana and another

.... Respondents

CORAM: Hon'ble Mr. Justice Surya Kant
Hon'ble Mr. Justice P.B. Bajanthri

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Kiranpal Singh, Advocate
for the appellants.

P.B. Bajanthri, J.

The appellants are aggrieved by the order of the learned Single Judge dated 04.05.2015 dismissing their writ petition.

The appellants are candidates for recruitment to the posts of HCS(Executive Branch) and other allied services. Haryana Public Service Commission issued advertisement to fill up various posts on 20.02.2014 while fixing the closing date for the submission of online application as 18.03.2014. So also, closing date for deposit of fee in all branches of State Bank of Patiala as 20.03.2014. The appellants participated in the process of recruitment.

State of Haryana has notified the Rules called Haryana Civil Services (Executive Branch) Rules, 2008 for the purpose of competitive examination to be held yearly for selection of candidates. Scheme of examination are as follows:-

“Scheme of Examination

(I) Preliminary Examination -200 marks

(for screening only)

(II) Main Written Examination -600 marks

(III) Personality Test -75 marks

(I) Preliminary Examination:

The preliminary examination shall comprise (Total 200 marks)

of two papers:

(Objective type/Multiple Choice. There shall be no negative marking)

Paper 1 : General Studies : 100 marks

*Paper 2 : One Optional
Subject to be chosen by
the candidate from the list
of 19 subjects (List at
Annexure I).*

Note:

(i) Both the question papers shall be of the Objective type

(multiple choice questions)

(ii) Both the question papers shall be set in English only.

(iii) The course content of the syllabi for the optional subjects

shall be of the degree level (Graduation level).

(iv) Each paper shall be of two hours' duration.

(II) Main Written Examination:

It shall comprise of 5 papers: (Total 600 marks)

Paper I: English (including English essay): 100 marks

*Paper II: Hindi (including Hindi essay) : 100 marks
(in Devnagri Script)*

Paper III: General Studies : 100 marks

*Paper IV: Two subjects to be selected from 150 marks
and V the list of 23 optional subjects.
(List at Annexure II)*

Note:

- (i) The question papers for the examination shall be of conventional (essay) type.*
- (ii) Each paper shall be of three hours' duration.*
- (iii) Candidates shall have the option to answer all the question papers, except the language or literature papers, in English or Hindi."*

The selection process thus consists of preliminary examination, main written examination and personality test.

The appellants in the writ petition sought for quashing the preliminary examination held on 03.08.2014 along with consequential proceedings, advertisement and the instructions dated 20.02.2014. They further sought for a direction to the commission to hold the preliminary examination again. The grievance of the appellants was that for the purpose of holding preliminary examination the question paper should have been ('bilingual' i.e. Hindi-being a regional language) and English.

Learned Single Judge rejected their claim, hence this appeal.

Learned counsel for the appellants submitted that the question paper for preliminary examination are general studies and one optional subject to be selected from the list of 19 subjects which are notified in the advertisement and paper too should be in both Hindi and English languages. He contended that insofar as main examination is concerned there is a

provision in both Hindi and English Language question papers. Therefore, restricting English language for preliminary examination is illegal and arbitrary.

The crux of the matter is whether preliminary examination question paper are to be set in Hindi and English Languages or English Language alone? Scheme of filling up of the post by statutory rules provides for question paper in English is to be set for the purpose of preliminary examination. Insofar as main examination is concerned, the question papers are to be set in both Hindi and English languages. As long as, statutory rules are intact, the same cannot be ignored or side track by the selecting and appointing authority. It is to be noted that the appellants have not questioned the scheme of preparing question paper for preliminary examination viz, statutory rules. On the contrary the appellants have questioned only the advertisement and consequently examination held on 03.08.2014. The appellants have sought for quashing examination held on 03.08.2014 wherein large number of candidates have appeared for examination without impleading them, questioning the validity of the examination cannot be looked into by this Court. For the reasons that if the examination conducted on 03.08.2014 is held as illegal those candidates who have appeared for examination and those who are eligible for main examination would be adversely affected.

The appellants have filed writ petition in the month of August, 2014. Even though the advertisement and instructions were issued on 20.02.2014. In the matter of selection and appointment the candidates must approach the court at the earliest point of time. Therefore, the grievance of

the appellants is rightly rejected by the learned Single Judge and there is no infirmity so as to interfere with the order under appeal. Accordingly, the LPA is rejected.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

27.05.2015
pooja saini