

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

CWP No.19145 of 1997

Date of decision: 13.05.2016

Hari Shankar

...Petitioner

versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

RITU BAHRI, J.

The petitioner is seeking to quash the order dated 03.10.1997 (Annexure P-14), vide which his representation for deputing him to the Lower School Course in terms of Rule 13.7 (2) (d) of the Punjab Police Rules, 1934, as application to the State of Haryana, has been rejected.

Stand taken by the respondents, in their written statement, is that the petitioner was recruited in H.A.P. on 04.01.1990. As per 13.7 of Punjab Police Rules, an examination is to be conducted for preparing list 'B' to open channel of promotion for constables to higher ranks. This examination is known as B-1 test. After the B-1 examination, a list of successful candidates is prepared, which is called 'B' list. Constables from this 'B' list are sent for Lower School Course and successful candidates in Lower School Course are granted list 'C'. Subsequently, these rules were amended vide notification dated 08.09.1992 and as per amended Rule 13.7 (2) (d), the privilege of a Constable obtaining 1st, 2nd and 3rd position in basic recruit course was also modified. Hence, the Constables were not eligible to appear in B-1 test.

Since after amendment, the petitioner had become ineligible, he cannot seek benefit of unamended rules for being sent to B-1 test.

Representation of the petitioner has been rejected by the Director General of Police vide order dated 03.10.1997 (Annexure P-14). Case of the respondents is that on account of amendment in Rule 13.7 (2) (d) of Punjab Police Rules, as applicable to Haryana, the petitioner could not be sent to the course during 1st, 2nd and 3rd position.

In view of the reply filed, no case for quashing of the order dated 03.10.1997 (Annexure P-14) is made out. Moreover, the petitioner has not challenged the amended rules.

Dismissed.

However, if any claim still survives, the petitioner can get this petition revived.

13.05.2016
ajp

(RITU BAHRI)
JUDGE