

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18423 of 2013

Paramjit Kaur

... Petitioner

Versus

State of Punjab & others

... Respondents

CWP No.6601 of 2014

Paramjit Kaur

... Petitioner

Versus

State of Punjab & others

... Respondents

Decided on : 05.04.2016

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Amarjit Singh, Advocate, for the petitioners.

Mr.Avinit Avasthi, AAG, Punjab.

G.S. Sandhawalia, J. (Oral)

This order will dispose of CWP-18423-2013 & 6601-2014, involving common questions of law and facts. However, to dictate judgment, facts have been taken from CWP-18423-2013 titled *Paramjit Kaur Vs. State of Punjab & others*.

Petitioner challenges the notice dated 08.07.2013 (Annexure P7) whereby a condition has been put for counting the experience after 3 years of possessing the graduate qualification, for appointment to the post of Supervisor from the post of Anganwari Worker. Petitioner's case is that she joined as Anganwari Worker on 15.01.1986 and was a Matriculate. Thereafter, she graduated in January, 1998 and had experience from the year 1986. Vide advertisement dated 08.07.2013, applications were invited for the selection to the post of

Supervisors, wherein, as per Clause 4, the Anganwari Workers who had done graduation, their experience was to be counted only 3 years after their graduation, uptill 01.07.2013. Resultantly, the writ petition has been filed, challenging the said condition, on the ground that it is violative of Rule 6 of the Punjab Social Security & Development of Women and Children (Group 'C') Non-Ministerial Service Rules, 2001, since the method of appointment and qualification has been prescribed in Appendix B.

Reference is made to Sr.No.3 to submit that 75% seats were reserved for promotion for Anganwari Workers, out of which, 35% were to be by selection from the graduates who had an experience of work, as such, for a period of 3 years. Relevant part of the Appendix B reads as under:

“(ii) Thirty five per cent by selection from amongst the Anganwadi Workers, who are Graduates from a recognized university or institution and who have an experience of working as such for a minimum period of three years.”

It is submitted by counsel for the petitioner that the experience should be from the year 1998 instead of 2001, in the case of the petitioners and as such, there was no specific condition under the Rules that the benefit had to be counted after a period of 3 years.

The said argument, in the opinion of this Court, cannot be accepted. A reading of the above rule would go on to show that the person would only be eligible under the graduate category after

he had the experience of work for a minimum period of 3 years. The work experience is, thus, to be seen after the acquisition of the educational qualification and not prior to that. Candidate who had less than 3 years' experience, was not even eligible. The criteria which has been fixed for the grant of one mark every year after the lock-in period of 3 years, is a criteria which has been adopted across the board, for the similarly situated candidates. Similar criteria has also been fixed for the persons applying in the category of matriculates wherein 8 years experience is required and there is a block-in period of 8 years, in the notice also. It is in consonance with Clause (i) wherein also, for aspirants who are matriculates, were required to have a minimum period of 8 years of experience. As such, the criteria does not mitigate against the rules, as contended, in any manner. Even otherwise, it is settled principle that it is for the employer to fix the criteria for promotion or appointments and it is not for the Courts to substitute the same.

In such circumstances, no case is made out for interference. Accordingly, the present writ petitions are, hereby, dismissed.

APRIL 5, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE