

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16949-2016

Date of Decision: August 22, 2016

Pardeep Kumar and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Anurag Goyal, Advocate
for the petitioners.

.....

SURYA KANT, J.

The petitioners have done their Masters in Urban & Rural Planning from the Department of Architecture from Deenbandhu Chhotu Ram University of Science & Technology, Murthal (Sonapat), Haryana. They applied for the posts of Assistant Town Planner advertised by Haryana Public Service Commission but their applications were rejected for want of requisite qualification.

Recruitment to the posts of Assistant Town Planner is regulated under Haryana Service of Town Planners (State Service Group-A) Amendment Rules 2009, (for short, 'the 2009 Rules') as amended from time to time. Rule 7 read with Appendix-B of these Rules prescribes qualification for the post of Assistant Town Planner through direct recruitment to the following effect:

“(i) A post graduate degree in urban and regional planning/ urban planning/regional planning/ M.Tech. In Planning (Urban, Traffic and Transport, Housing Infrastructure),/ or equivalent making the holder eligible for associate membership of the Institute of Town Planners, India.

Or

B.Tech degree in planning from a recognised Institute/ university with two years experience in the field of Town Planning under a qualified town Planner.

(ii) Hindi/Sanskrit upto Matric standard.”
[emphasis supplied]

Petitioners appear to have two grievances, namely, (i) that their Masters Degree in Urban & Rural Planning is one and the same thing as contemplated in the first part of Clause (i) above, i.e. Post Graduate Degree in Urban and Regional Planning/ Urban Planning/ Regional Planning; and (ii) the requirement of Associate Membership of the Institute of Town Planners, India for those possessing equivalent qualification, is wholly unwarranted.

We have heard learned counsel for the petitioners at a considerable length.

The question whether Masters Degree possessed by the petitioners qualifies the first part of Clause (i) of Appendix-B, essentially falls within the domain of subject experts for which the petitioners ought to have approached the State Government. Unfortunately, they have rushed to the Court without submitting any such claim before the competent authority.

As regard to the second issue that the holders of equivalent degrees are

equally eligible for Associate Membership of the Institute of Town Planners, India, the record reveals that the petitioners or their University have not approached that Institute also. Incidentally, the Institute of Town Planners, India is not a party-respondent.

In these circumstances, it is difficult for this Court to express any view on the petitioners' claim. Rather, we deem it appropriate to dispose of this writ petition with a direction to the Principal Secretary, Town and Country Planning, Haryana, to consider this writ petition as a representation on behalf of the petitioners and take an appropriate decision in accordance with law after hearing all the stake holders as early as possible, preferably within four months from the date of receipt of certified copy of this order.

(SURYA KANT)
JUDGE

August 22, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No