

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20771-2016
Date of Decision: October 03, 2016

Satnam Singh and others
.....Petitioners
Versus
State of Punjab and others
.....Respondents

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

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|----|---|---------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |
| 4. | To be referred to the Reporters or not? | Yes/No |
| 5. | Whether the judgment should be reported in the Digest? | Yes/No. |

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Present: Mr.Dinesh Kumar, Advocate
for the petitioners.
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SURYA KANT, J.

Petitioners who possess 10+2 qualification also claim to have completed 'Patwar Training'. While they were awaiting for an opportunity to compete for the post of Revenue Patwaris, State of Punjab has amended Punjab Revenue Patwaris Class III Service (First Amendment) Rules, 2014, whereby minimum qualification for the post of Patwari has been enhanced from 10+2 to Graduation from a recognised university. Resultantly, petitioners have become ineligible.

They represented and served a legal notice seeking one time relaxation as it is after more than 23 years that the posts of Patwaris have been advertised on 10.09.2016. Finding no response from the authorities, instant writ petition has been filed questioning the amendment of Rules as well as follow up action.

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

It appears to us that no fault can be found with the Rules or with the prescription of higher qualification of Graduation for the subject-Post, which is essentially a matter of policy decision and falls within the domain of Executive. Learned counsel for the petitioners nevertheless may be right in contending that since the Rules do provide for relaxation to a class of persons if so made out, let the Competent Authority consider the petitioners' claim sympathetically for giving them one time opportunity to compete for the advertised posts.

In view of the last submission, we dispose of this writ petition without expressing any opinion on the merits of such claim, with a direction to respondent Nos.1 to 3 to consider the above-stated request of the petitioners as contained in Annexure P13 sympathetically and take an appropriate decision at the earliest preferably within one month.

This order shall not however be construed as a direction for relaxation or amendment of the Rules.

(SURYA KANT)
JUDGE

October 03, 2016
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(SUDIP AHLUWALIA)
JUDGE