

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.27226 of 2015

Date of Decision:08.11.2016

Arvind Kumar

...Petitioner

Vs.

State of Haryana & another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present:- Mr. J.S. Dahiya, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J.

Learned counsel for the parties are *ad idem* that this matter is covered on all fours by the decision of the Coordinate Bench of this Court in CWP No.15840 of 2015 (Mohinder Singh and another v. State of Haryana and another decided on 21.04.2016). Learned Single Bench held that the respondent-department cannot deprive the persons like the petitioner of the right of participating in departmental examination as per instructions dated 28.05.1975 prescribed for the post of Field Kanungo. Hence, the further amendment made as per executive instructions dated 24.10.2008 increasing the requisite experience from 3 years to 5 years as a Patwari cannot be read against the petitioner. Therefore, the petitioner was qualified to sit for the departmental examination as he was possessed with the requisite experience of 3 years plus. The only difference between this case and the other has no material bearing in distinguishing the two cases on facts since there are only different dates in the list of events. The stand of the department in both the writ petitions is that the petitioner was

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ineligible to appear for the examination for the post of Field Kanungo. In CWP No. 11526 of 1994 (Rajpal Singh v. State of Haryana decided on 11.2.2009), the selection of these Patwaris was under challenge before this Court. The said writ petition was decided in favour of selected candidates and the SLP was dismissed. Hence, the appointments were affirmed.

Accordingly, this petition is disposed of in terms of judgment passed in CWP No.15840 of 2015 (Mohinder Singh and another v. State of Haryana and another decided on 21 April, 2016). The only distinction between these two cases is that the present petitioner had qualified for the training of Patwari one year prior to the petitioner in CWP No.15840 of 2015.

(RAJIV NARAIN RAINA)
JUDGE

08.11.2016

MFK/neeraj

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No