

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3996 of 2016
Date of Decision:-10.3.2016.

Volunteers for Social Justice

.....Petitioner

Versus

High Court of Punjab and Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Satyaveer Singh, Advocate for the petitioner.

SURYA KANT, J. (ORAL)

1.) This writ petition has been purportedly filed in public interest. The petitioner claims itself to be an NGO, who has taken up the cause of marginalized communities of society. In the instant writ petition, a writ of *certiorari* is sought for quashing the action of the Punjab and Haryana High Court and the State Public Service Commission in fixing 45% as the minimum qualifying marks for Scheduled Caste candidates for recruitment to Haryana Civil Services (Judicial Branch).

2.) The backdrop in which the instant writ petition has been filed is that the 'Recruitment Committee' comprising three Judges of

this Court in association with Haryana Public Service Commission, advertised 119 posts of Civil Judge (Junior Division) out of which 22 posts were reserved for Scheduled Caste candidates of Haryana. It is an admitted fact that the General category candidates were required to obtain minimum 50% qualifying marks to become eligible to appear for *viva voce* but for Scheduled Caste candidates such percentage as prescribed in the Rules also is 45%. Since only three candidates in the Scheduled Caste category could qualify the main written examination, the petitioner-organization blames that the prescription of 45% as the minimum qualifying marks is an unachievable target which indeed is the real cause of failure of candidates of reserved category.

3.) We have heard learned counsel for the petitioner at a considerable length and have also kept in view the ration of the decision of the Hon'ble Supreme Court in **Ram Bhagat Singh and another Vs. State of Haryana and another 1997 (11) SCC 417,** laying down that unless the percentage fixed for qualifying marks is such that it is attainable by the Scheduled Caste and Scheduled Tribe candidates, the principle of ensuring equal opportunity cannot be achieved.

4.) Though the writ petition is liable to be dismissed for want of the petitioner's *locus standi*, coupled with the fact that in the matter of appointment to Civil Services, the maintainability of PIL is a debatable issue. The petitioner-organization appears to have not

aware for the full facts nor has done any homework to obtain the correct facts and figures before rushing to the Court.

5.) Without going into the longer history, suffice to mention that recruitment to Judicial Services was entrusted by the State Government to the High Court in the year 2007 and thereafter, concerted efforts have been made to make the recruitments annually. In most of the recruitment process, there has been a fair representation from amongst different reserved categories and there have been occasions when open category posts also remained unfilled for want of suitable candidates. The selection process initiated in the year 2015 is one of the such process where even open category posts could not be filled up. So was the fate of some of the reserved posts also. Needless to say that in the matter of appointment to Judicial Services, efficiency and quality are non-negotiable. No case to interfere with the impugned order in exercise of public interest litigation is made out.

6.) Dismissed.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

March 10, 2016.

sandeep sethi