

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 9166 of 2014

Date of Decision : March 01, 2016

Himmat Singh and others Petitioners

vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Amit Khatkar, Advocate
for the petitioners.

Mr. Harish Rathee, Senior DAG, Haryana.

Mr. G. S. Attariwala, Advocate
for respondent no. 3.

Mr. Anurag Goyal, Advocate
for respondent no. 4.

Mr. A. S. Virk, Advocate
for respondent no. 6.

Mr. Rishi Lal, Advocate
for respondent no. 7.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioners seek quashing of
order dated 31.03.2014 (Annexure P-7), through which the respondent

Haryana Public Service Commission (hereinafter referred to as – the Commission) has sought to justify the rejection of the candidature of the petitioners for appointment as District Welfare Officers in the Department of Scheduled Castes and Backward Classes. The petitioners have also challenged the selection of District Welfare Officers, conducted in pursuance to the advertisement dated 22.11.2013 (Annexure P-2).

After hearing counsel for the parties and perusing the record, the facts, which have emerged are that through advertisement dated 22.11.2013, the respondent Commission sought applications for appointment to several posts including six posts of District Welfare Officers in the Department of Welfare of Scheduled Castes and Backward Classes, Haryana. As per the prescribed qualifications, a candidate, for being considered eligible, was required to possess a Masters Degree from a recognized University in Social Work/Sociology/Economics and should have studied Hindi/Sanskrit up to Matric standard along with five years' field experience in the Development or Welfare Department of the Centre or any State Government.

Considering themselves to be eligible, the petitioners applied for consideration of their candidature, but the same was rejected on the ground that the petitioners did not have the requisite five years' field experience. The petitioners represented against such rejection of their candidature but when they received no favourable response, they approached this Court through **C. W. P. No. 4210 of 2014 – Himmat Singh**

and others vs. State of Haryana and others, during the pendency of which, the respondent Commission, on 03.03.2014, declared the final results and on the happening of such an event on 06.03.2014, the writ petition filed by the petitioners, on their prayer, was permitted to be withdrawn, with liberty to challenge the selection. As per liberty granted, the petitioners again approached this Court through C. W. P. No.4564 of 2014 – Himmat Singh and others vs. State of Haryana and others to challenge the selections. This writ petition, through order dated 12.03.2014, was disposed of by directing the respondent Commission to pass a speaking order spelling out the reasons so as to why the petitioners' candidature had not been considered. In compliance with the above referred orders of this Court dated 12.03.2014, the respondent Commission passed a speaking order dated 31.03.2014 giving reasons so as to why the petitioners' candidature had been rejected. It is this order which is inter alia challenged before this Court through the present petition.

A perusal of the impugned order shows that the petitioners' candidature had not been considered, as according to the respondent Commission, they did not possess the required five years' field experience. It is stated that the experience of the petitioners was under a Scheme of the Government of India, being implemented by the State Government and since the same was not in a Department of the State, it could not be considered. At the time of hearing of the matter, learned counsel appearing on behalf of the respondent Commission reiterated the aforementioned

contents of the impugned order.

The only issue which requires determination is whether the petitioners possess the required five years' field experience.

The essential qualifications, as prescribed in the advertisement in question, are reproduced below :-

“Essential Qualifications :-

- (i) Master degree from a recognized University in Social Work or Sociology or Economics.***
- (ii) Five years field experience in the Development or Welfare Department of the Central or any state Govt.***
- (iii) Hindi or Sanskrit upto Matric standard.”***

The Experience Certificates placed on record by the petitioners show that they have served for more than five years as Additional Block Programme Officers under the Schemes floated under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA). It is not disputed that the afore-referred Schemes under the MGNREGA are executed by the State of Haryana through the Department of Rural Development. A perusal of their Experience Certificates further shows that their job profiles included Holistic Development, co-operation and convergence of various Schemes of Center/State i.e. NBA, Public Health Department works, Irrigation Department works, PWD (B&R) works, Haryana State Agricultural Marketing Board works etc. targeted for the

welfare and empowerment of different sections of the society.

From the above, it is clear that the petitioners have over five years' of experience in discharging field duties involving developmental/welfare functions and that such experience has been gained while serving under Schemes being executed through the Department of Rural Development, Government of Haryana as it is not disputed before me that the MGNREGA Schemes, which aims at the development/welfare of different sections of people in the rural areas, are implemented through the Department of Rural Development, Government of Haryana. While discharging such duties the petitioners work in tandem with other officers of the Department of Rural Development, Government of Haryana and supplement their duties. In the course of such service, they are directly and effectively under the control of the afore-referred Department of the Government. In fact, a perusal of the website of the Directorate of Rural Development, Government of Haryana clearly shows the office of MGNREGA Scheme to be its integral part.

The relevant essential qualifications only require five years' experience in the Development of Welfare Department of the Central or State Governments. It nowhere provides that such experience should be gained in the Department as an employee of the Central or State Government.

Thus, the experience gathered by the petitioners, for all intents and purposes, is to be considered as experience gained in a Development

Department of a State Government.

The object and purpose behind prescription of field experience is apparently that an eligible candidate should have at least five years' exposure to developmental and welfare activities/functions being carried out in the field by the Central or State Government and if that is so, then to disregard the afore-referred experience gained by the petitioners can only be termed to be an arbitrary action on the part of the respondent Commission having no nexus with the object sought to be achieved and thus, being violative of Article 14 of the Constitution of India.

The petitioners have, thus, been wrongfully denied consideration of their candidature.

In view of the above, the writ petition is allowed and resultantly, while setting aside the impugned order dated 31.03.2014 and the appointments of the private respondents, the respondent Commission is directed to conduct fresh selections out of the then eligible candidates as also the petitioners, in accordance with law.

No costs.

(DEEPAK SIBAL)
JUDGE

March 01, 2016
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