

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. **LPA No.1437 of 2015 (O&M)**
Date of decision: 26.07.2016

Baljeet Singh & others	Versus	Appellants
State of Punjab & ors.		Respondents

2. **LPA No.1473 of 2015 (O&M)**

Rashanvir Singh & others	Versus	Appellants
State of Punjab & ors.		Respondents

3. **CWP No.21964 of 2015 (O&M)**

Jagtar Singh & others	Versus	Petitioners
State of Punjab & ors.		Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE DARSHAN SINGH

Present: Mr. Ranjivan Singh, Advocate for the appellant/petitioner(s).
Mr. Rajesh Bhardwaj, Addl. A.G., Punjab.

SURYA KANT, J (ORAL).

This order shall dispose of two LPAs bearing Nos.1437 and 1473 of 2015 and one CWP No.21964 of 2015, as the point in issue involved in these cases is similar.

The Letters Patent Appeals lay challenge to the order dated 19.09.2015 whereby learned Single Judge has dismissed the appellants' writ petition in which they claimed themselves to be eligible for the post of

Revenue Patwari and sought quashing of the advertisement dated 18.08.2015 issued by respondent No.3 in pursuance to notification dated 28.10.2014 Annexure P-2. It may be apt to mention here that the notification dated 28.10.2014 Annexure P-2 was the subject matter of challenge in CWP No.20044 of 2015 which was dismissed vide order dated 19.9.2015 passed by the learned Single Judge which is also under challenge in one of the aforementioned LPAs.

The facts are not in dispute. The appellant/petitioner(s) possess 10+2 qualification and as per the Punjab Revenue Patwaris (Class III), Service Rules 1966, they were eligible to compete for the posts of Revenue Patwaris. The Rules were amended vide notification dated 28.10.2014 and minimum academic qualification was enhanced from 10+2 to Graduation from a recognized university. Thereafter, the posts were advertised on 18.08.2015.

Since the appellants became ineligible for want of bachelor's degree, they challenged the amended qualification which has been dismissed by the learned Single Judge. The petitioners have filed a separate writ petition also seeking quashment of advertisement dated 18.08.2015 which is based upon the amended provisions.

The appellant/petitioner(s) though were permitted to appear in the written examination provisionally vide order dated 01.10.2015 passed by a Coordinate Bench but the fact remains that they do not possess the requisite qualification of bachelor's degree. The principle that the vacancies which occurred before the amendment of Rules are to be filled up as per the old Rules, does not apply in a case of direct recruitment though such a principle may be stretched and applied in the case of

promotions. No meaningful argument could be raised as to how prescription of higher qualification for the subject posts is bad in law.

For the reasons above-stated, no fault can be found with the order passed by the learned Single Judge. The present appeals and the writ petition are accordingly dismissed.

**(SURYA KANT)
JUDGE**

**July 26, 2016
ps**

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No