

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 18016 of 2016
Date of Decision: March 28, 2017

Arpit Sangwan and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Kuldeep Sheoran, Advocate,
for the petitioners.

Mr. Aproov Garg, DAG, Haryana.

Mr. Kanwal Goyal, Advocate,
for respondent No.2.

P.B. Bajanthri, J. (Oral)

1. In the present writ petition, petitioners have questioned the conditions imposed in the corrigendum dated 10.08.2016 and 23.08.2016.

2. Petitioners are candidates for the recruitment to the post of Veterinary Surgeon (HVS-II) in the Department of Animal Husbandry & Dairying, State of Haryana. Respondent No.2 – Haryana Public Service Commission (hereinafter referred to as the “HPSC”) notified 225 posts while fixing the last date for submission of applications as 16.12.2015. Insofar as age criteria is concerned, it would be 01.07.2015 is required to be taken note of having regard to Rule 5 of the Haryana Veterinary & Allied (Group-B) Service Rules, 1996 (hereinafter referred to as the “Rules, 1996).

Department of Animal Husbandry & Dairying indented to recruit some

more persons for additional posts. In this regard, they have submitted indent to HPSC to recruit totally 246 posts. Accordingly, the HPSC issued a corrigendum on 10.08.2016 increasing the number of posts from 225 to 246 while fixing the last date for submission of applications as 26.08.2016 while retaining the age criteria as 01.07.2015 and qualification and other eligibility will be determined as on 16.12.2015. Further, one more corrigendum was issued on 23.08.2016 to the extent that except the eligibility of candidates with regard to educational qualification etc. will be determined as on 05.09.2016 i.e. closing date.

3. In this background, whether date of age criteria is required to be taken as 01.07.2015 or 01.07.2016 in view of corrigendum is the issue involved in the present matter.

4. Rule 5 of Rules, 1996 reads as under:-

*“5. No person shall be appointed to any post in the service by direct recruitment who is less than **22 years or more than 35 years of age, on 1st July, preceding the last day of the submission of the applications to the Commission.**”*

Having regard to the language employed in the aforesaid statutory provisions, corrigendum issued to the advertisement No. 6(2)/2015 (Annexure P/1) and consequential corrigendum the date of eligibility of age criteria is required to be modified accordingly with reference to above provision of law to the extent from 01.07.2015 to 01.07.2016 for the reasons that last date for submission of applications under corrigendum is extended upto 15.09.2016, therefore, 1st July preceding the last date for submission of applications to the commission would be 01.07.2016. Therefore, corrigendum dated 10.08.2016 and 23.08.2016 (Annexures P/2 and P/3) are

liable to be set aside.

5. Now the determination of age criteria as 01.07.2016 is required to be prescribed, in that event, persons who are eligible between 01.07.2015 to 01.07.2016 would be denied the benefit of participating in the process of selection. Hence, there would be violation of Articles 14 and 16 of the Constitution. Thus, the entire process of selection is required to be re-advertised by giving the cut of age as on 01.07.2016. In view of the same, advertisement dated 17.11.2015 (Annexure P/1) is unworkable. Corrigendum dated 10.08.2016 and 23.08.2016 (Annexures P/2 and P/3) are set aside. HPSC is hereby directed to re-advertise the posts of 246 of Veterinary Surgeon in Animal Husbandry & Dairying Department within a period of three months from today.

6. With the above observations, instant writ petition stands disposed of.

March 28, 2017
vkd

[P.B. Bajanthri]
Judge

Whether reasoned / speaking : Yes

Whether reportable : No