

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3991 of 2015 (O&M)

Date of Decision: 09.03.2017

Arun Kumar & Anr.

... Petitioners

VS.

State of Punjab & Anr.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr. BS Rana, Senior Advocate with
Mr. Rajinder Paul, Advocate for the petitioners

Mr. Rajesh Bhardwaj, Addl. AG Punjab

SURYA KANT, J. (Oral)

(1) The petitioners have laid challenge to the notification dated 28.07.2011 (P7) whereby provisions of Punjab Civil Services (Executive Branch) Rules, 2004 have been amended. Their principal grievance is against Rule 10 pertaining to “**Preparation of Register A-II of accepted candidates**”, whereby the rule-making authority has now provided that Punjab Public Service Commission shall after inviting applications along with service records of the candidates, conduct a ‘screening test’ to prepare the list of eligible persons three times the number of vacancies.

(2) Punjab Civil Services (Executive Branch) is the premier State Civil Service. Recruitment to the said Service is regulated under the Punjab Civil Services (Executive Branch) Rules, 1976 (in short, 'the 1976 Rules'). There are various Registers enlisted under Rule 8 and which define different sources of recruitments to the Service. While Register B is meant for recruitment to Punjab Civil Services (Executive Branch) by way of direct recruitment, Register A-I pertains to the selection from amongst 'Naib Tehsildars, Tehsildars, District Revenue Officers etc.'. Similarly, Register A-II is a source of recruitment from

amongst the employees of “Class II and Class III” holding Ministerial appointments under the Government of Punjab”. In Register A-III, the names of persons accepted as candidates from amongst Excise and Taxation Officers, Block Development and Panchayat Officers and District Development and Panchayat Officers are entered and the last Register C relates to the candidates who are not covered by any of the categories of officers or officials mentioned hereinabove.

(3) The grievance of the petitioners in the instance case is against amendment pertaining to Register A-II, namely, the method of short-listing the candidates for appointments from amongst Class-II and Class-III employees holding Ministerial appointments under the Government of Punjab. It will be useful to reproduce the amended Rule assailed by the petitioners and it reads as follows:-

“10. Preparation of Register A-II of accepted candidates. –

(1) The Commission shall invite the applications from amongst the member of Group “A” and Group “B” services, serving in connection with the affairs of the State of Punjab holding ministerial appointments not below the level of Senior Assistants, which shall be submitted to the Commission through proper channel along with their service record.

(2) The applications received along with the service records of the candidates shall be processed by the Commission for adjudging the suitability of such candidates, and after conducting a screening test, the Commission shall prepare a list of eligible persons, three times of the number of vacancies.

(3) For final selection of the candidates from the list prepared under sub-rule (2), the Commission shall determine the suitability of candidates on the basis of Annual Confidential Reports, Seniority, Experience and

Performance in the interview by associating two representatives of the State Government, one serving as Secretary, Personnel and General Administration and the other senior IAS Officer nominated by the Chief Secretary to Government of Punjab.”

(4) It may be seen from sub-Rule (2) that after the applications stand invited from amongst Class II and Class II Ministerial staff, the Commission is required to adjudge their suitability firstly by holding a ‘screening test’ through which candidates three times of the number of vacancies will be short-listed, whereafter their suitability shall be determined on the basis of Annual Confidential Reports, Seniority, Experience and performance in the interview, besides their performance in the written test.

(5) The petitioners have two-fold grievance against the prescription of ‘screening test’. According to them, no such test has been prescribed for short-listing the candidates under other Registers. Secondly, in the final analysis, the Commission has described in the General Information for the candidates that as per the criteria for selection, the marks obtained in the ‘screening test’ will also be included while adjudging the *inter-se* merit of the candidates.

(6) Having given our thoughtful consideration, we do not find any merit in both the submissions. It is well-settled that the recruiting agency, especially where there are large-scale candidates, can adopt any transparent, fair, just and equitable criteria for short-listing the candidates before subjecting them to the final selection process. There is a valid reason and logic behind not prescribing the screening test in respect of other Registers, for the very nature of source of recruitment under the different Registers suggests as to how many candidates are expected to apply. Since the candidates from amongst all the Class II and Class III Ministerial staff from all the Government Departments are

likely to be large in strength that the rule-making authority has evolved a

criteria of short-listing them through screening test. Such a criteria is to be applied uniformly to all the Class II and Class III employees, hence the petitioners cannot be heard to say that the Rule is discriminatory in nature.

(7) Similarly, the fact that the weightage of marks obtained in the written test would also be reflected in the final selection does not *per se* render the screening test arbitrary and illegal. Once the rules of the game have been set and disclosed in advance and the candidates are fully aware that their performance in the screening test would also matter in the determination of merit, it cannot be said that Rule-making authority or the Commission have acted arbitrarily.

(8) For the reasons afore-stated, we do not find any merit in this writ petition and the same is accordingly dismissed.

(Surya Kant)
Judge

09.03.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No