

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

CWP No.8958 of 2013 (O&M)

Date of Decision:12.09.2017

EASI Satyawar

... Petitioner

Vs.

State of Haryana and others

... Respondents

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

Present : Mr. Rajesh Goyal, Advocate for the petitioner.

Mr. Siddharth Sanwaria, D.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant writ petition, petitioner has challenged the validity of the order dated 21.03.2013 (Annexure P-1) by which his claim under 35% quota for sending him to B-1 Course has been declined on the score that he did not fulfill the eligibility criteria so also he is over age for the next session (B-1 Course) for the year 2006.

Learned counsel for the petitioner pointed out Rule 13.7 of the Punjab Police Rules, 1934 (for short "1934 Rules") which provides for mode of sending constable for Lower School Course. There were three sources. 55% of the seats allotted to a unit in the Lower School Course shall be filled in on the basis of a competitive examination, 35% on the basis of seniority-cum-fitness and 10% on the basis of consistent outstanding performance in job/obtaining Gold or Silver Medal in All India Police Games/Duty Meet/National Games or exceptional display of bravery during the course of performance of official duty. Petitioner's claim is under second category namely 35%. Method is on the basis of seniority-cum-fitness. Except seniority-cum-fitness nothing has been prescribed in the rules of recruitment of 1934 Rules. On the contrary, official respondents have issued

an executive order prescribing certain procedure other than seniority-cum-fitness like awarding of marks to the educational qualifications namely 10+2, BA-I, BA-II, BA-III and Post Graduation for various courses. Awarding of marks for the aforesaid educational qualification is not prescribed under Rule 13.7 of 1934 Rules. Rejection of the petitioner's claim for sending him for Lower School Course is with reference to the award of marks for educational qualification which is contrary to the rules of recruitment. Since juniors to the petitioner have been sent for Lower School Course in the year 2005, at this distance of time, question of sending the petitioner for Lower School Course may not be correct. Due to default on the respondents in not following the 1934 Rules, petitioner be exempted from undergoing Lower School Course.

In view of the above facts and circumstances, impugned order dated 21.3.2013 (Annexure P-1) is set aside. The respondents are hereby directed to extend all service benefits on par with the petitioner's immediate junior who has been sent to Lower School Course in the year 2005. The above exercise shall be completed within a period of three months from today.

Petition stands allowed accordingly.

12.09.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No