

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8997 of 2014 (O&M)

Date of Decision: 09.03.2017

Kuldip Chand

... Petitioner

VS.

State of Punjab & Anr.

... Respondents

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

Present: Mr. Vivek Sharma, Advocate for the petitioner

Mr. Rajesh Bhardwaj, Addl. AG Punjab

SURYA KANT, J. (Oral)

(1) The petitioner is admittedly working as Junior Assistant though he claims to have been holding the charge of Senior Assistant. The petitioner's application for recruitment to the post of Punjab Civil Services (Executive Branch) against Register A-II has been turned down for want of eligibility under Rule 10 which pertains to preparation of Register A-II of accepted candidates and provides 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) It may be seen that only those members of Group “A” or Group “B” services who are not below the level of Senior Assistants are eligible to apply. The petitioner holds the substantive rank of Junior Assistant. He is thus ineligible under the Rules.

(3) So far as petitioner's challenge to the validity of the Rules *ibid* is concerned, we do not find any merit therein. The rule-making authority is well within its right to prescribe eligibility criteria and apply it uniformly. Register A-II enables Government employees holding Ministerial appointments under *Group "A" and Group "B" services* for being selected to the premier State Civil Service. The nature of their experience while in Government service therefore has a direct bearing on the performance of duties. The exclusion of a person who is not even in the rank of a Senior Assistant from the zone of consideration till he attains the requisite qualitative experience as Senior Assistant in due course of time, is a fair and equitable classification based upon the principle of reasonableness and thus does not call for any interference by this Court.

(4) Dismissed.

(Surya Kant)
Judge

09.03.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

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

Yes
No