

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-630-2017

Date of Decision: January 17, 2017

Rakesh Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Mahender Singh Chahal, Advocate
for the petitioner.

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SURYA KANT, J.

The grievance of the petitioner is against Note-III of Appendix-B of Haryana State Education School Cadre (Group B) Service Rules, 2012, which defines “consistent good academic record”.

The petitioner has his own view-point and resultant grievance against the manner in which the aforementioned provision contemplates to assess the ‘consistent good academic record’ of a candidate.

We have heard learned counsel for the petitioner.

In our considered view, unless the Rule is found to be inconsistent with any Constitutional provision or a Statute or against public policy, it would not be expedient for a Writ Court to interfere with it and assume the role of Rule Making Authority. The amendment, substitution or

streamlining of the existing provisions, essentially falls within the purview of Rule Making Authority. It is thus not necessary to express any views on merits, rather we deem it appropriate to dispose of this writ petition with a direction to respondent No.1 to entertain this petition as a representation on behalf of the petitioner and consider his grievance in accordance with the State policy. It shall be appreciated if an appropriate decision is taken within a period of two weeks from the date of receipt of a certified copy of this order. The petitioner shall be required to send a copy of the writ petition alongwith certified copy of this order to respondent No.1.

Ordered accordingly.

Further the petitioner belongs to reserve category of Scheduled Caste. He claims that under the Rules there is a provision to give relaxation to the Scheduled Caste and backward class candidates. If such relaxation is permissible qua academic qualification also, the authorities are directed to consider the petitioner's claim for that relaxation as well.

Needless to say that if the petitioner's claim is accepted, then he will also be entitled to call for the interview as per his merit.

Dasti.

(SURYA KANT)
JUDGE

January 17, 2017
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(SUDIP AHLUWALIA)
JUDGE

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

Yes/No
Yes/No