

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-333-2017 (O&M)

Date of Decision: March 06, 2017

Shalini and another

.....Appellants

Versus

State of Punjab and another

.....Respondents

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

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| 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.Mohit Garg, Advocate
for the appellants.

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SURYA KANT, J.

The appellants are aggrieved by the order dated 27.01.2017 whereby learned Single Judge has dismissed their writ petition in which they sought quashing of advertisement-cum-public notice dated 29.09.2014 and the Merit list dated 05.03.2015 prepared pursuant thereto. The precise case of the appellants was that the advertisement was contrary to the Statutory Rules known as Punjab Civil Secretariat (State Service Class III) Rules, 1976.

[2] Learned Single Judge has vide a detailed order declined to interfere with for the reason that the appellants applied in response to the aforestated advertisement, took a chance for their selection but having failed to qualify in the Computer Type Test in Punjabi, have questioned the very

advertisement on the ground that such a test was prescribed contrary to the provisions of the Rules. Learned Single Judge has held with the support of catena of decisions that once the appellants submitted themselves to the eligibility conditions mentioned in the advertisement and took a chance for their selection, they cannot turn around and say that the advertisement itself is illegal being contrary to the Rules.

[3] Learned Single Judge has further observed and rightly so that the Statutory Rules relied upon by the appellants nowhere say that such a Test shall not be held. The Rules are silent. On the other hand for the lower post of Clerk, the Rules prescribe the Computer Type Test. Once the Type test is required to be qualified by a person aspirant for appointment to the lower post of Clerk, learned Single Judge has rightly viewed that such a Test is rightly required to be qualified by the candidates seeking appointment to the higher post of Senior Assistants. Learned Single Judge has further held that the Rule is silent in defining the nature of 'Competitive Test' prescribed thereunder, hence the Competitive Authority in exercise of its inherent powers is well within its right to include the Computer Type Test as an integral part of the Competitive Test prescribed under the Rules. Still further, the Rules invariably prescribe only the minimum eligibility conditions. For improving the efficiency in service, the Competent Authority can always lay down such selection parameters which are higher in standard than those prescribed under the Rules. Such a decision taken by the Competitive Authority cannot be said to be contrary to the Rules.

[4] There is yet another reason which dissuade us to interfere with the order under appeal. The appellants have questioned the Merit list dated

05.03.2015 but none of the selected candidates who were short-listed in the Merit list were impleaded as party-respondents. No order detrimental to their interest could be passed behind their back.

[5] For the reasons aforesated, there is no ground to interfere with the order under appeal is made out.

[6] Dismissed.

**(SURYA KANT)
JUDGE**

March 06, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |