

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.27526 of 2017(O&M)

Date of Decision:-21.03.2018

Maneet Kaur Bakshi.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vikas Singh, Advocate for Petitioner.

JASWANT SINGH, J.

Petitioner Maneet Kaur Bakshi, who was an aspirant for the post of Audit Officer in the Cooperative Societies in State of Punjab has filed the instant writ petition challenging the action of the respondent no.2- Punjab Public Service Commission who conducted the examination of the aforesaid post only in English language and not in Punjabi language.

Learned Counsel for the petitioner has argued that the petitioner had applied for the post of Audit Officer in Cooperative Societies pursuant to the advertisement No.7 published by the PPSC. On 14.7.2017, the written examination was held, which was published only in English language and not in Punjabi language, which has caused serious prejudice to her, as her speed in answering questions in

English is much slower than in Punjabi. It has been further argued that as per the Punjab Official Language (Amendment) Act 2008 published on 5.11.2008, the State of Punjab has directed offices of the State Government, Public Sector Undertakings, Boards, Schools, Colleges, Local Bodies and Universities that all the official work shall be done and communicated in Punjabi language. Thus, it has been argued that once State of Punjab has passed the Act of 2008, then action of respondent no.2-PPSC to conduct the test only in English language, is not only against law but has also caused serious prejudice to the petitioner.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and deserves to be dismissed.

It is apparent from the paperbook that the petitioner has done her Matriculation in English, whereby she had secured 69 marks. It is also apparent from the advertisement Annexure P-3 that it has been nowhere specified that the examination would be held in English as well as Punjabi. Apart from the fact that one of the essential qualifications of the said recruitment exam is that the candidate should have passed the Matriculation Examination with Punjabi as one of the compulsory or elective subject or any other equivalent examination in Punjabi language, there is nothing to even remotely suggest that the paper was required to be conducted in two languages i.e English and Punjabi. Thus, in case the petitioner was under any kind of confusion about the languages in which paper was to be conducted, she could

have approached respondent no 2-PPSC at that point of time itself. Instead, she appeared in the examination and waited for her result.

The contention of the petitioner that she has been gravely prejudiced as the paper has not been set in Punjabi language is not only misconcieved but a way to wriggle out of her own inability of not clearing the examination. It is settled position of law that once the candidate has participated in the selection process, then subsequently they cannot be pemitted to lay challenge to the process/method of recruitment merely because the result did not come in their favour. Thus, the principle of estoppel is squarely applicable in the present case.

As far as the contention of the learned Counsel by referring to the Act of 2008 is concerned, this Court is of the opinion that the said Act is only applicable to internal communications and work conducted by all the offices, which as per the act, are to be communicated in Punjabi language. It does not anywhere specify that the examination has to be conducted in Punjabi as well.

There is another aspect which is material. It is admitted that one of the prescribed essential qualifications for appointment as Audit Officer is “*Should possess degree of Chartered Accountant or M.Com*”. To a pointed query by the Court, it was conceded by the counsel for the petitioner that his client has obtained the degrees of B.Com and M.Com from the Punjab University by attempting them in English language. Therefore, the petitioner has more than sufficient knowledge of English language so as to adequately attempt the written

test in English language. Thus, there is absolutely no prejudice caused to the petitioner and the present petition would border on almost abuse of the process of the Court.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

March 21, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>