

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: July 02, 2019

1. CWP No.17223 of 2019

Prem Parkash & others

...Petitioners

Versus

State of Haryana & others

...Respondents

2. CWP No.17225 of 2019

Sukhraj Singh & others

...Petitioners

Versus

State of Haryana & others

...Respondents

3. CWP No.17227 of 2019

Ishwar Singh & others

...Petitioners

Versus

State of Haryana & others

...Respondents

4. CWP No.17412 of 2019

Ranjit Singh & others

...Petitioners

Versus

State of Haryana & others

...Respondents

5. CWP No.17423 of 2019

Roshan Lal & others

...Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Mahir Sood, Advocate &
Mr. Anil Kumar Singh Goyat, Advocate,
for the petitioners in CWP Nos.17223, 17225, 17227 &
17423 of 2019.

Mr. Baljinder Singh Sra, Advocate,
for the petitioners in CWP No.17412 of 2019.

Mr. Hitesh Pandit, Addl.A.G.Haryana,
for the State.

AMIT RAWAL, J.

This order of mine shall dispose of five civil writ petitions bearing No.17223, 17225, 17227, 17412 and 17423 of 2019 as the common question of law and fact is involved. The facts are being taken from CWP No.17223 of 2019.

In CWP No.17223 of 2019, the petitioners (49 in number), have sought two-fold claim:-

(i) for issuance of a writ of certiorari quashing the impugned advertisement dated 13.06.2019 (Annexure P-1) issued by the Haryana Staff Selection for filling up 1100 posts of Canal Patwaris in the Irrigation Department of the State of Haryana by fixing the educational qualification as Graduation with age limit 18-42 years and as per the corrigendum dated 15.06.2019, the benefit has been extended to the earlier applicants, who have submitted their applications pursuance to the advertisements issued from time to time, i.e., spanning from 2015 to 2019. The petitioners are stated to be working without

break since 2007 on contractual basis and with break w.e.f. 1992.

Dr. Anmol Rattan Sidhu, learned Senior Counsel assisted by Mr. Mahir Sood and Mr. Anil Kumar Singh Goyat, Advocates, submits that the Punjab Public Works Department (Irrigation Branch) Patwaris State Service Class III Rules, 1955 prescribed the minimum educational qualification for filling up the posts as Matriculation or School Leaving Certificate Examination of a recognized University or its equivalent with a preference to candidates having higher qualifications. The aforementioned rules were in vogue during all the advertisements, referred to above, but for the first time, the educational qualification has been fixed as graduation and, therefore, the petitioners have become ineligible for seeking employment.

Mr. Hitesh Pandit, learned Additional Advocate General, Haryana, representing the State submits that the rules, *ibid*, have been amended vide notification dated 07.06.2019 and the advertisement was issued on 13.06.2019, i.e., post amendment, whereby the qualification for Canal Patwari has been fixed as (i) Graduate or its equivalent; (ii) Hindi/Sanskrit upto Matriculation as one of the subject or Higher Education. There is no challenge to the aforementioned rules and, thus, there is no force in the contention of the learned counsel for the petitioners to challenge the advertisement as they are over age for being appointed on regular basis.

Mr. Sidhu, in rebuttal, confines the other relief with regard to the prayer for regularization of the services.

I have heard the learned counsel for the parties, perused the

paper book and of the view that the entire genesis of the writ petitions is based upon the educational qualification, referred to in the advertisement issued previous to the amendment of the rules fixing as Matriculation or School Leaving Certificate Examination of a recognized university or its equivalent **with a clarification that the preference would be given to candidates possessing higher qualifications**

There is no challenge to the rules dated 07.06.2019 vide notification of even date. The petitioners, concededly, are over age and the age limit for submitting the application is 18-42 years. Relaxation of age to the candidates, who had already applied for the post of Canal Patwari, could not culminate into final selection. In such circumstances, I am of the view that the grievance expressed is farfetched and does not fall within the realm of judicial review giving a cause to the petitioners to challenge the advertisement regarding fixation of educational qualification.

Since for prayer for regularization in terms of the policy of 2014 is concerned, the matter is stated to be subjudice before the Hon'ble Supreme Court, Mr. Sidhu at this stage, on instructions from the instructing counsel and the clients, seeks permission to file a separate petition or representation, if any, for claiming the relief of regularization. Liberty as sought is granted. In such circumstances, the writ petitions are ordered to be disposed of.

July 02, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No