

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CWP No.20095 of 2019 (O&M)
Date of Decision.23.07.2019**

Harish Kumar

...Petitioner

Vs

State of Haryana and another

..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. N.K.Malhotra, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

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AMIT RAWAL J. (ORAL)

Petitioners have sought quashing of notifications/letters dated 13.06.2019 and 24.06.2019 (Annexure P-5 & P-8 respectively) of Head of Departments of State Government issued by the Haryana Government.

It is contended that on 28.2.2002, petitioner joined District & Sessions Court, Sonipat as Steno-Typist and thereafter as Senior Scale Stenographer in Haryana Consumer Disputes Redressal Commission, Sector 4, Panchkula. At present, petitioner is working in State Information Commission as Personal Assistant.

Vide advertisement No.4/2019 dated 13.06.2019 (Annexure P-1), Haryana Public Service Commission caused an advertisement for the post of Haryana Civil (Executive Branch) from Register A-II of Members of Group 'C' for the year 2019. Closing date mentioned in the advertisement was 8.7.2019. Eligibility criteria laid down in the aforesaid advertisement was written test and after short-listing interview with following qualifications:-

“(a) (i) has completed eight years continuous Government Service;

(ii) has not attained the age of fifty years on the first day of November immediately preceding the date of submission of names by concerned authorities.

(iii) is not facing disciplinary proceedings and against whom action is not being contemplated; and

(iv) is clear from vigilance angle;

(b) is a Graduate from a recognized university.”

Petitioner being fully eligible submitted his application through proper channel, which was received by Haryana Public Service Commission was on 5.7.2019. Subsequently, respondents circulated letter dated 24.06.2019 with list of 79 departments as Head of Department of State Government and 31 as Administrative Secretaries wherein name of State Information Commission, Haryana was not mentioned. The aforementioned letter of respondents is illegal, arbitrary and in contravention of Article 14 and 16 of Constitution of India.

In order to buttress his argument, reliance was laid down to notification dated 06.02.2006 (Annexure P-6) where Governor of Haryana delegated all powers available to the Administrative Secretary to Government to the State Chief Information Commissioner, Haryana. Note (III) of advertisement mentions that only State Government employees would be eligible for recruitment and State Information Commission, Haryana falls under category of Department of Haryana, thus, petitioner is fully eligible being employed in State Information Commission, Haryana.

I am afraid aforementioned argument would not be sustainable. As per List of Head of Departments, State Information Commission does not find mention as Department of Haryana Government. List (Annexure P-8) was promulgated much earlier and if at all there was any grievance, petitioner could have challenged the same at appropriate stage and not at this belated stage when examination is slated tomorrow. The delegation of power of Administrative Secretary to Government to State Chief Information Commissioner, Haryana is subject to condition of over all authority of State Government, therefore, excluded from the list of Administrative Secretaries as attached with notification dated 24.06.2019.

No ground for interference is made out.

Dismissed.

(AMIT RAWAL)

JUDGE

July 23, 2019

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No