

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

**CWP No.19988 of 2019 (O&M)
Date of Decision.22.07.2019**

Ruman Gupta

...Petitioner

Vs

State of Haryana and others

..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashutosh Kaushik, Advocate
for the petitioner.

-:-

AMIT RAWAL J. (ORAL)

Petitioner, being represented through Mr. Ashutosh Kaushik, Advocate sought quashing of letter dated 10.07.2019 (Annexure P-8) and list (Annexure P-9) of Head of Departments of State Government issued by the Haryana Government.

It is contended that petitioner joined Haryana State Legal Services Authority as Clerk w.e.f. 11.02.2000. On fulfilling service conditions, his services were regularized vide order dated 11.12.2003. Haryana State Legal Services Authority, as per provisions of Legal Services Authority Act, comes under the Department of Justice and Administration whereas the Chief Justice of Punjab and Haryana High Court is Patron-in-Chief and one senior Hon'ble Judge as Executive Chairman.

Vide advertisement No.4/2019 dated 13.06.2019 (Annexure P-3), 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 her application through proper channel and vide letter dated 1.7.2019, Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, Kurukshetra forwarded same to the District and Sessions Judge-cum-Chairman, District Legal Services Authority for transmission to the office of Member Secretary, Haryana State Legal Services Authority, Panchkula. On 8.7.2019, aforementioned Member Secretary further forwarded application of petitioner to Additional Chief Secretary, Government of Haryana.

Schedule of written examination/screening test to be held on 24.07.2019 between 3 PM to 5 PM has been announced vide Annexure P-7 but office of Additional Chief Secretary did not forward case of petitioner to Haryana Public Service Commission on the premise that name of Haryana State Legal Services Authority does not find mention in list issued by Haryana Government of 79 Departments. Attention of this Court is drawn to Annexure P-9 where name does not figure. In order to buttress his argument,

reliance was laid down to notification dated 23.12.1997 (Annexure P-10) where Governor of Haryana declared Member Secretary, Haryana State Legal Services Authority as Head of Department. After serial No.15 entries No.16 and 17 were incorporated i.e. Secretary in the Department of Higher Education and Secretary in the Department of Secondary Education. Note (III) of advertisement mentions that only State Government employees would be eligible for recruitment and Haryana State Legal Services Authority falls under category of Department of Haryana, thus, petitioner is fully eligible being employed in Haryana State Legal Services Authority.

I am afraid aforementioned argument would not be sustainable. As per Appendix A, Department of Legal Services has not been defined to be Department of Haryana Government and Sub-section 4 of Section 6 of Legal Services Authority Act would not come to rescue of petitioner. List (Annexure P-9) 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 day after tomorrow. In such circumstances, communication (Annexure P-8) cannot be said to be repugnant and unsustainable.

No ground for interference is made out.

Dismissed.

(AMIT RAWAL)
JUDGE

July 22, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No