

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

CWP No.3365 of 2014.

Date of Decision: 30.04.2019

Kanwaljit Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. H.C. Arora, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. AG Punjab.

Mr. Puneet Gupta, Advocate,
for respondent Nos. 6 to 14.

JITENDRA CHAUHAN J.

The petitioner seeks issuance of a writ in the nature of quo warranto for removing respondent Nos. 6 to 14 from the posts of Clerks.

The petitioner was appointed as a Hostel Warden in Guru Gobind Singh Medical College, Faridkot on regular basis. On his request, his cadre was changed from Hostel Warden to that of Clerk. However, vide order dated 08.06.2000 (Annexure P-2), the order of change of cadre was cancelled and the petitioner was repatriated to his parent post of Hostel Warden.

It is contended that in the order dated 08.06.2000 (Annexure P-2), it has been noticed that there is no provision under the rules for change of cadre. However, the cadre of respondent Nos. 6 to 14 had also been changed vide orders Annexure P-3 to P-9, therefore,

the order (Annexure P-2) is discriminatory in nature and respondent Nos. 6 to 14 are liable to be reverted to their original post.

On the other hand, it is contended that though, it is admitted that there is a provision under the rules for change of cadre but as per Rule 15 of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 the minimum educational qualification for the post of Clerk is Matriculation with second division whereas, the qualification of the petitioner is only Matriculation with third division. As the petitioner did not fulfill the required minimum qualification for the post of Clerk, the matter was reconsidered and the petitioner was reverted back to his parent post vide order dated 08.06.2000 (Annexure P-2).

Heard.

In the impugned order, there is a mention that there is no provision for change of cadre under Rule 3.17 of the Punjab Civil Services Rules, Volume-1, Part-1, however, a perusal of the rule shows that the government can transfer an employee from one post to another and it has been admitted by the learned State counsel that there is a provision for change of cadre but the fact remains that the petitioner does not fulfill the required qualification of Matriculation with second division. This Court is of the opinion that though, the order (Annexure P-2) is not happily worded, but the same is justified on the score that the petitioner is not qualified to be appointed as Clerk as he was not Matriculate with second division. Respondent Nos. 6 to

14 were admittedly fulfilling the minimum required educational qualification for the post of Clerk.

No ground for interference is made out.

Dismissed.

30.04.2019.

SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No