

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

CM No.873 of 2019 in/and
CWP No.30994 of 2018
Date of decision : 14.02.2019

Pardeep Kumar Rapria

...Petitioner

Vs.

Chief Minister, Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Harinder Pal Ishar, Advocate,
for applicant-petitioner.

Mr. Lokesh Sinhal, Addl. A.G., Haryana.

Ritu Bahri, J. (oral)

CM No.873 of 2019

Reply to misc. application has been filed in Court today. Same is taken on record. With the concurrence of learned counsel for the parties, main petition i.e. CWP-30994-2018 is taken up today itself for its disposal.

Misc. application stnads disposed of accordingly.

CWP No.30994 of 2018

Petitioner is seeking quashing of Advt./Letter dated 11.06.2018, followed by letter dated 14.08.2018 (Annexure P-3) issued by the respondents.

Stand taken by the respondents in their reply is that the petitioner will not be entitled to practise as Advocate in case he is selected and appointed as Information Commissioner. It is further clarified that the Statutory Committee under Sub Section 3 of Section 15 of Right to Information Act, 2005, will take a final decision as per merits of the

candidates. The Search Committee, formed vide order dated 21.06.2018, which is also available on the website of Chief Secretary, Haryana i.e. www.csharyana.gov.in, is scrutinizing the application forms and suitability of the candidates at a preliminary stage. The Search Committee will recommend the names of the candidates equal to three times the number of posts advertised. It has been further stated that names of the Search Committee are already available on the website of Chief Secretary, Haryana. No meeting has been fixed yet by the Search Committee for shortlisting the candidates for appointment as Information Commissioners. The criteria will be fixed by the Search Committee as per law, whenever it commences its proceedings for scrutinizing the applications. It has been further submitted that judgment in Writ Petition (Civil) No.436 of 2018 is pending before Hon'ble the Supreme Court.

As per reply filed by the respondents, the criteria is yet to be framed and process for shortlisting of the candidates has not been started.

Learned counsel for the petitioner has raised objection that out of 229 applications, the Search Committee will reject applications of 220 candidates at its own level and this would be arbitrary in nature.

Along with the written statement, the respondents have placed on record notification dated 23.07.2013 (Annexure R-2), whereby the Search Committee was constituted to devise its own principles while arriving at the procedure and criterion adopted by it for making suitable recommendations to the Statutory Committee for final selection of the members of the State Information Commission.

These instructions were placed before a Division Bench of this Court in CWP No.7656 of 2012, titled as **Sanjay Tyagi vs. State of**

Haryana and others. The said petition was disposed of vide order dated 05.08.2013. Hence, keeping in view the notification dated 23.07.2013 (Annexure R-2), the Search Committee constituted by the State can devise its own principles and criteria for making suitable recommendations before the Committee, which is competent to make final recommendation for appointment. As per reply filed by the respondents, the petitioner can participate in the selection process and his case will not be rejected on the ground that he has not left his profession or job which he is doing. However, it is clarified that in case, the petitioner is selected, he will not be entitled to practise as an Advocate.

Disposed of accordingly. However, after the decision of Hon'ble the Supreme Court in Writ Petition (Civil) No.436 of 2018, in case the petitioner has any cause of action, he can take appropriate steps in accordance with law.

14.02.2019
ajp

(RITU BAHRI)
JUDGE

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