

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

CWP No.26470 of 2019 (O&M)

Date of Decision.18.09.2019

Kavinder

...Petitioner

Vs

State of Haryana and another

...Respondents

Present: Mr. Manoj Makkar, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Grievance of the petitioner in the present writ petition is for causing interference in the action of the respondents in not considering the qualification i.e. degree in Tourism Management for the post of Hospital House Keeping Instructor.

Facts, which emanate from pleadings, are that vide advertisement dated 25.04.2016 (Annexure P-1), 1025 posts of various trades on contractual basis in the Department of Industrial Training Haryana were sought to be filled up. One post was reserved for the post of Hospital House Keeping Instructor (post in question). Petitioner being an aspirant, claiming himself to be qualified, submitted an application complete in all respects in General Category, however, his name was not found in the tentative merit list of the candidates.

Learned counsel appearing on behalf of the petitioner submitted that there was only one post reserved for post in question and as per the selection criteria and academic qualification, name of the petitioner was not reflected as remark was that the candidate is holder of bachelor degree in Tourism Management which is not a requisite qualification for

this post.

The aforementioned advertisement was challenged in the writ petition bearing No.21132 of 2016 and owing to interim order, out of total posts 33% of the candidates were selected, however, subsequently vide judgment dated 17.01.2018, writ petition was dismissed. Letters Patent Appeal preferred against the same was also dismissed. Candidates, who were not selected due to pendency of the abovesaid writ petition, filed CWP No.21920 of 2018 for issuance of appointment letters in terms of the advertisement, which was allowed vide order dated 26.10.2018. However, in LPA preferred by the State of Haryana, the order was modified in the following terms:-

“..however, in case of requirement of the service of instructors, it shall be at discretion of the State Government to make appointment on contractual basis from amongst the respondents in accordance with the merit list prepared for making contractual appointment for the period till regularly selected candidates are available, and the pendency of this appeal and orders made hereinabove shall not be an impediment in doing so.”

Respondents in view of order dated 11.01.2019 issued appointment letters to the candidates, who were selected but not appointed owing to litigation. The qualification of a candidate for the post in question was three years diploma in House Keeping Management from recognized Board or Institution or Graduation in the related field from recognized University or NTC/NAC holder in relevant trade. As per syllabus for the trade of Hospital Housekeeping (Annexure P-7), syllabus of both the courses i.e. Bachelor Degree of Tourism Management and Housekeeping Management is same, thus, action of the respondent in not considering

qualification of the petitioner is wholly arbitrary or mala fide and against the provisions of Article 14 and 16 of the Constitution of India.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that there is no force and merit, for, on plain and simple perusal of the qualification as extracted above *vis-a-vis* syllabus (Annexure P-7), syllabus for the trade of Hospital House Keeping for 1st semester in theoretical part contains subjects of Sanitation, Odour Control, Waste Disposal, Safety, Pest, Rodent & Animal Control and in 2nd semester Interior Decoration, Hospital Linen Services, Housekeeping Equipment Maintenance, Environmental Hygiene, Infection Control, Managerial Task and Computer whereas in Bachelor of Tourism Management Part-1, subjects are English, Hindi, Indian Culture, Heritage & Tourism, Tourism Business, Tourism Products, Communication Skills & Personality Development and Environmental Studies and in Part -II, English, Geography of Tourism, Tourism Marketing, Travel Agency and Tour Operations Business, Field Trip Report and Viva Voce, Economics, Business Mathematics and Statistics and Environmental Studies, thus, they are totally poles apart to each other. It is settled law that while exercising judicial review, Court cannot change terms and conditions consisting of qualification and selection criteria unless and until they are ill-founded, irrational or there is apparent fallacy.

No ground for interference is made out. The writ petition is devoid of merit and accordingly dismissed *in limine*.

(AMIT RAWAL)
JUDGE

September 18, 2019

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes
No