

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

**CWP-33583-2019 (O&M)
Date of Decision : 25.11.2019**

Maneet Duggal

... Petitioner

Versus

Registrar General, Punjab and Haryana High Court and another

...Respondents

CWP-32984-2019 (O&M)

Maneet Duggal

... Petitioner

Versus

Registrar General, Punjab and Haryana High Court and another

.... Respondents

**CORAM:HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. A.P.S.Rehan, Advocate
for the petitioner in both cases.

Mr. Kanwal Goyal, Advocate
for the respondents in both cases.

RAKESH KUMAR JAIN, J.(ORAL)

This order shall dispose of two petitions bearing CWP No. 33583 of 2019, ***Maneet Duggal Versus Registrar General, Punjab and Haryana High Court and another*** and CWP No.32984 of 2019, ***Maneet Duggal Versus Registrar General, Punjab and Haryana High Court and another***, as the issues involved in both the petitions are common.

Interestingly, both the petitions are filed by the same person, whose applications to appear in the Haryana Superior Judicial Service Examination-2019 and Punjab Superior Judicial Service Examination-2019 have been rejected separately. Insofar as Haryana is concerned, his application was rejected on the ground that "*Eligibility qua income criteria not fulfilled, Eligibility criteria qua Court cases not fulfilled*" and insofar as Punjab is concerned, rejection is on the ground that "*Eligibility qua court cases not fulfilled*".

We would first take up the writ petition No.33583 of 2019 pertaining to Haryana Superior Judicial Service-2019.

In brief, the respondents had issued notification No.144 Gaz.I/VI.F.2 dated 07.08.2019 inviting applications to fill up 11 (Eleven) posts (5 from General Category, 2 from Scheduled Caste Category, 2 from Backward Class Category (A), 1 from Backward Class Category (B) and 1 from Economically Weaker Sections) for the appointment to Haryana Superior Judicial Service by way of direct recruitment (i.e. 25% of quota) from amongst the eligible Advocates from the Bar, by way of competitive examination under Rule 6(1)(c) of Haryana Superior Judicial Service Rules, 2007 (for short 'Haryana Rules, 2007'). The last date for submission of the application was fixed as 26.08.2019 and Clause 7(2) of the Advertisement provided that the application form must reach within time and incomplete applications and applications received after the due date i.e. 26.08.2019 were not to be entertained. Clause 17 of the said advertisement further provides that "*Candidates shall attach proof of Gross Professional Income and List of Number of Court cases conducted as per the proforma enclosed as **Annexure-6***". As far as, writ

petition No.32984 of 2019 is concerned, it pertains to the notification No.97 Gaz.I/VI.F.2 dated 30.5.2019 by which applications were invited to fill up 8 vacancies for appointment to Punjab Superior Judicial Service-2019 by way of direct recruitment from amongst the eligible Advocates through competitive examination under Rule 7(3)(c) of the Punjab Superior Service Rules, 2007 (for short 'Punjab Rules, 2007). The last date to apply was **31.07.2019**. Clause 7(2) of this advertisement has the same condition i.e. the application form should reach in time i.e. before due date and incomplete application forms were not be entertained. Clause 17 of this advertisement provides the same condition that the "*Candidates shall attach proof of Gross Professional Income and List of Number of Court cases conducted as per the proforma enclosed as **Annexure P-6***".

Insofar as Haryana Selection is concerned, the relevant condition in the Advertisement reads as under:-

"3(bb) Must be an income tax assessee for at least three assessment years preceding the date of application, with gross professional income of not less than rupees five lakhs per annum. The applicant shall also be required to attach the proof of his independent engagement and conducting of not less than fifty cases (other than bunch cases) per year in the preceding three years;

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Backward Classes, physically challenged persons and Ex-servicemen, the gross annual income shall not be less than rupees three lakhs per annum and the condition of independent engagement and conducting of cases shall be forty cases (other than bunch cases)

per year in the preceding three years."

Similarly, insofar as Punjab is concerned, eligibility/qualification i.e. Condition 3 (bb) of the Advertisement reads as under:-

"(bb) the applicant shall be an income tax assessee for a period not less than three assessment years (preceding the date of application), with gross professional income of not less than rupees five lakhs per annum. The applicant shall also be required to attach the proof of his independent engagement and conducting of not less than fifty cases (other than bunch cases) for general categories and forty cases for the scheduled caste, backward class and physically challenged persons, respectively, per year in the last preceding three years:

Provided that the gross annual income in the case of candidates belonging to the Scheduled Castes, physically challenged persons and ex-servicemen shall be rupees three lakhs per annum."

Insofar as, the Haryana application form is concerned, the gross professional income has been mentioned by the petitioner as ₹6,70,850/- per annum but without attaching the copies of the income tax returns for the last three assessment years which was required as per the advertisement. Besides this, he has only mentioned that he has been working as Assistant District Attorney in Punjab but did not attach the list of required number of cases. Insofar as Punjab Selection is concerned, though he is the same candidate, and mentioned his gross professional income as ₹6,70,850/- but again did not attach the copies of the income tax returns of the last three assessment years. In Punjab, he

had only mentioned that he had been working as Additional District Attorney but did not attached the list of 50 cases as required.

After the applications for the selection of Punjab and Haryana Superior Judicial Service Examination, filed by the petitioner, were separately scrutinized, the Haryana Selection Authorities had issued public notice on 04.11.2019 which reads as under:

"It is hereby informed to all the concerned that Haryana Superior Judicial Service Main Written Examination 2019, to fill 6 (Six) vacancies under Rule 6(1)(b) by way of Limited Competitive Examination from the Eligible Judicial Officers and to fill 11 vacancies under Rule 6(1)(c) from amongst the members of Bar, shall be conducted from 29.11.2019 to 01.12.2019 at Chandigarh.

The list of applicants who do not fulfill eligibility conditions to appear in the Haryana Superior Judicial Service Examination-2019 under Rule 6(1)(c) of Haryana Superior Judicial Service Rules, 2007 and their candidature has been rejected on the basis of Preliminary scrutiny of the applications, and the reasons(s) has/have been mentioned against their name in the remarks column, the list is at Annexure 'B'.

The remaining applicants whose name does not appear in the list at Annexure 'B' have been provisionally allowed to appear in the examination subject to their fulfilling all eligibility conditions. Admit Cards to the candidates who have been provisionally allowed to appear in the examination shall be issued in due course. The date-sheet of the examination shall be uploaded shortly".

Lists of the rejected applications were also attached in which

he was placed at serial No. 66 and the reason given was "*Eligibility qua*

income criteria not fulfilled. Eligibility criteria qua court cases not fulfilled."

As regard, the Punjab selection, public notice was also issued on 04.11.2019 which is reproduced as under:-

"It is hereby informed to all the concerned that Punjab Superior Judicial Service Main Written Examination 2019, to fill one vacancy under Rule 7(3)(b) by way of Limited Competitive Examination from the Eligible Judicial Officers and to fill 8 vacancies under Rule 7(3)(c) from amongst the members of Bar, shall be conducted from 29.11.2019 to 01.12.2019 at Chandigarh.

The list of applicants who do not fulfill eligibility conditions to appear in the Punjab Superior Judicial Service Examination-2019 under Rule 7(3)(c) of Punjab Superior Judicial Service Rules, 2007 and their candidature has been rejected on the basis of Preliminary scrutiny of the applications, and the reasons(s) has/have been mentioned against their name in the remarks column, the list is at Annexure 'A'.

The remaining applicants whose name does not appear in the list at Annexure 'A' have been provisionally allowed to appear in the examination subject to their fulfilling all eligibility conditions. Admit Cards to the candidates who have been provisionally allowed to appear in the examination shall be issued in due course. The date-sheet of the examination shall be uploaded shortly.

The petitioner was placed at serial No. 96 in the list of rejected candidates highlighting that "*Eligibility qua court cases not fulfilled*".

Aggrieved against the order of rejection, both these petitions

have been filed. During the pendency of these petitions, the petitioner in

both the cases by way of CM No.17562 of 2019 in CWP No. 33583 of 2019 and CM No. 17563 of 2019 in CWP No. 32984 of 2019 sought the permission of this Court to place on record the list of cases conducted by him during the past three years. The applications were allowed on 21.11.2019 by separate orders.

Counsel for the petitioner in both the cases has argued that the petitioner being in service i.e. Additional District Attorney was though having the list of cases but was under a wrong impression that he was not required to attach the same being a Public Prosecutor. We appreciate the candidness on the part of the petitioner in this regard but we are unable to help the petitioner to persuade the respondents to allow him to take the forthcoming examination of the Superior Judicial Services simply for the reason that he had been warned in advance to read the application form very carefully and was not supposed to leave any column unfilled. Despite this, he did not submit preceding three years income tax returns in both the cases and despite having the list of cases, which has ultimately been placed on record by way of separate applications, the same were not attached which is serious lapse on his part and has rendered him ineligible to appear in such a prestigious examination for which he had applied.

Counsel for the petitioner has not even otherwise cited any precedent in his favour but keeping in view the facts on their face value, we are of the considered opinion that there is no merit in both the petitions because the petitioner has miserably failed to follow the relevant provisions muchless the instructions provided in the advertisement and also in the application form and has not even

challenged the vires of Rule 3(bb) of both the advertisements pertaining to the States of Punjab and Haryana.

We have also considered the arguments of the counsel for the respondents that not a single candidate in this examination has been allowed who has committed the same mistake because in Punjab more than 100 candidates and in Haryana more than 50 candidates have been rejected.

No other point has been raised.

Thus, in view of the aforesaid facts and circumstances, we do not find merit in the present petitions and same are hereby dismissed though without any order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

(SUVIR SEHGAL)
JUDGE

25.11.2019
pooja saini

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No