

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.14492 of 1996
Date of decision :05.03.2020

Jai Narain

.....Petitioner

Vs.

Haryana Public Service Commission and others.....Respondents

CORAM: HON'BLE Ms. JUSTICE RITU BAHRI

Present:- Mr.Ashish Kapoor, Advocate, for the petitioner.

Mr.Hitesh Pandit, Addl.A.G.Haryana.

RITU BAHRI, J. (ORAL)

The present writ petition has been filed seeking quashing the selection (Annexure P-10) for the post of Gazetted Class II Officer for posting as District Horticulture Officer made by respondent No.1.

Vide advertisement (Annexure P-1) dated 13.11.1995, two temporary posts of Horticulture Officer were advertised. Out of two posts, one post was reserved for S.C of Haryana and one for was reserved for General Category. Petitioner belongs to Backward Class category as per certificate (Annexure P-6) and he challenged the candidature of respondent No.4 on the ground that he does not fulfil the requisite qualification.

On notice of the writ petition, reply has been filed by respondent-State and as per preliminary objection, it is stated that the date of birth of the petitioner is 06.05.1956 and on 14.11.1995, the date from which the eligibility is to be determined, the petitioner was 39 years 6 months and 8 days old and he was not falling under the prescribed age limit of 22 to 35 years on 14.11.1995, therefore, he was not eligible either for applying for

this post or to be appointed on this post. Moreover, petitioner cannot claim relaxation in upper age limit (35 years) because as per averment made in para No.6 and Annexure P-6, he belonged to backward class but as per the Advertisement (Annexure P-1) there were only two temporary posts of Gazetted Class II Officers, out of which one post was reserved for Schedule Caste of Haryana, mentioned in Block A of the Haryana Government instructions contained in letter dated 09.11.1994 and the other post was for General Category candidate. There was no posts reserved or otherwise for a backward class.

It has been further mentioned that respondent No.4 was eligible for the advertised post as he possessed the requisite qualification as he has studied and passed 3 out of above-mentioned 4 subjects. He is extremely eligible for the advertised post as he passed B.Sc. Agriculture (Hons.) in First Division. One of the eligibility criteria was that the candidate should be B.Sc.Agriculture Hons with Horticulture including Floriculture, Promiculture, Olericulture (SIC Alericulture) or Sericulture as one of the subjects. As detailed above, respondent No.4 did his B.Sc. Honours with Horticulture with Olericulture, Floriculture, Pomoculture as the subjects. In addition to it respondent No.4 has also done M.S.C.(Agriculture)Annexure R4/3 dated 26.10.1987 and has also submitted his Thesis for Ph.D in Agriculture Chemistry Annexure R4/4. In these courses the candidate studied soils, fertilizers and manures, nutrients, fungicides, pesticides irrigation water, drainage etc. This subject is closely related to Horticulture. Without this subject Horticulture is incomplete. In M.Sc. he got high first division i.e., 72 per cent marks.

respondent No.4 in the detailed given reply, respondent No.4 was suitable candidate than petitioner as he possessed all the requisite essential qualifications at the time when he submitted application for the advertisement post specially given in paras No.7, 8 of the detailed reply, the present writ petition is dismissed as such.

05.03.2020
anil

(RITU BAHRI)
JUDGE

Whether speaking/reasoned = Yes/No.

Whether reportable= Yes/No.