

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

126

Civil Writ Petition No.4859 of 2020

Date of Decision: March 4th, 2020

Ranbir Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Sonia G. Singh Samber, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the condition imposed in the advertisement dated 30.01.2020 (Annexure P-5), whereby the eligibility for the candidates to participate in the selection has been restricted to those persons, who possess a degree in B.Sc. (Agriculture) with minimum 60% marks from a recognized university/institution.

2. It is contended by learned counsel for the petitioner that petitioner belongs to the Scheduled Castes Category and, therefore, should have been granted the benefit of relaxation with regard to the minimum qualifications at the degree level. She contends that 5% relaxation is provided for in most of the selection processes, where appointments are to be made to the reserved category posts. In the present selection, there has been no reservation provided as per the advertisement, thus, disentitling the petitioner for appointment to the post of Agriculture Development Officer. She contends that the petitioner belongs to a disadvantaged class and, therefore, requires some relaxation so that the benefit can be availed of by the candidates belonging to the reserved category. She, however, could not produce any instructions which would mandate relaxation to be granted to

the Scheduled Castes candidates. However, reliance has been placed upon the Manual of Reservation for Scheduled Castes and Backward Classes in Services as published in the year 1982 by the Punjab Government. She places reliance upon the Notification dated 06/09.10.1964, where it has been mentioned that 5% reduction in marks for the Scheduled Castes to be provided so that the lower percentage prescribed does not fall within the minimum required to pass the qualifying examination for admission.

3. This notification would not be applicable to the case in hand as it is restricted to admissions of the Scheduled Castes Category candidates.

4. In the absence of any relaxation provided for by the employing authority, the advertisement where the terms and conditions have been specified, cannot be tampered with, especially when there are no instructions/rules mandating such relaxation to the Scheduled Castes candidates. No illegality in the advertisement, therefore, can be said to have been committed by the Punjab Public Service Commission while issuing the said advertisement.

5. In view of the above, finding no merit in the present writ petition, the same stands dismissed.

March 4th, 2020

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No