

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16822-2018 (O&M)
Date of decision: 30.01.2020

Gautam Kumar

...Petitioner(s)

V/s.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Nihal Singh, Advocate
for the petitioner.

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

Mr. S.K.Kaushik, Advocate
for respondent No.4.

RITU BAHRI, J. (Oral).

The petitioner has participated in the selection process for the post of Statistical Assistant under the BCA category and dependent of Freedom Fighter category pursuant to advertisement dated 10.07.2015 (Annexure P-4). Qualification for the post of Statistical Assistant mentioned in the advertisement is as under:-

“Master's Degree in Statistics

Or

Master's Degree in Mathematics

Or

Economics with Statistics as one of the papers, from a recognized University.

Hindi/Sanskrit upto Matric Standard or higher education.”

The petitioner has placed on record by way of replication the

Haryana Subordinate Agricultural (Group C) Service Rules 1993 (Annexure

P-24). In this Rule, the eligibility qualification for the direct recruitment of Statistical Assistant post has been given which reads as under:-

“(i) Master's Degree in Statistics

Or

Master's Degree in Mathematics

Or

Economics with Statistics as one of the papers, from a recognized University;

(ii) Hindi upto Matric Standard.”

The qualification as per the Rules and the advertisement is same. The petitioner was having degree of B.Com and MBA. He participated in the selection process and he was not called for interview. He filed CWP No. 11001 of 2017 whereby as an interim direction, he was interviewed provisionally. On 05.12.2017, this writ petition was disposed of and the result of the petitioner was produced. He had secured 100 marks and the last selected candidate under the BCA category had secured 145 marks. This writ petition was disposed of by giving liberty to the petitioner to agitate on the issue of alleged claim for the dependent of freedom fighter's category.

In the present case, after notice of this petition, affidavit dated 25.07.2019 has been filed by the Additional Director (Administration), Agriculture & Farmers Welfare Department, Haryana, Panchkula. In this affidavit, after reproducing the essential qualification as per 1993 Service Rules, it is stated in para 3 that after declaration of the final result all the selected candidates have been issued appointment letters. Further in para 4 it is explained that with respect to the observation of this Court on 08.02.2019, comments have been sought from the Joint Director (Statistics)

Agriculture and Farmers Welfare Department, Haryana, Panchkula with regard to educational qualification for the post of Statistical Assistant and the opinion given by the said Officer is as under:-

“The work of Statistical Cadre in Agriculture Department is to focus on Data Analysis and Statistical Tools. Collection & Tabulation of data, Analysis and Report writing are the main responsibility of the Statistical Cadre. Thus all officers and officials of Statistical Cadre must have knowledge of Statistics. Statistical Assistant is the feeder post of Statistical Cadre that's why the qualification fixed by the Department for direct recruitment through Haryana Staff Selection Commission (HSSC) is Master's Degree in Statistics, Mathematics and Economics with Statistics. In Master of Economics, Statistics is the optional subject which is the basic requirement of Statistical Cadre. M.A. Economics without Statistics cannot aware about the Statistics Tools.”

It is further stated that as per Service Rules, 1993, petitioner cannot be recommended as he is not eligible for appointment.

After going through this affidavit, the work of statistical cadre is to focus on data analysis, statistical tools, collection & tabulation of data, analysis and report writing. In this backdrop, Master Degree in Statistics, Mathematics and Economics with Statistics has been made as essential qualification.

Learned counsel for the petitioner argues that while pursuing the course of MBA, the petitioner had also studied Economics and Statistics and had given one paper of Statistics and one paper of Economics in the two years course.

This argument is liable to be rejected since in the Master Degree of Statistics (two years course), Statistics and Economics, both the

subjects are taught during the whole two years. So the knowledge of Statistics is imparted more in Master of Statistics than in MBA and that is why the petitioner has been rightly rejected. Moreover even if he was considered eligible under the BCA category, still he had secured 100 marks which are less than the marks secured by last selected candidate under the said category. With respect to claim in dependent of freedom fighter category, the case of the petitioner can be considered only if the suitable candidates under ESM and dependent of ESM are not available. It is not the case of the petitioner that suitable candidates of ESM and dependents of ESM are not available. Moreover, as per the instructions dated 15.07.2014 (Annexure P-4/A), only 2% of the total posts advertised have to be reserved for freedom fighter category if ESM and dependent of ESM are not available.

No merit.

Dismissed.

Pending application stands disposed of.

(RITU BAHRI)
JUDGE

30.01.2020

Divyanshi

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No