

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

CWP No.20067 of 2019

Date of decision: 18.02.2020

Varun Bhardwaj

...Petitioner

Versus

Haryana Staff Selection Commission and ors.

...Respondents

Coram: Hon'ble Mr. Justice B.S. Walia

Present: Mr.Amit Jhanji, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. A.S. Chadha, Advocate for respondent No.5.

Mr. R.K. Malik, Sr. Advocate with Mr. Yogesh Sheoran,
Advocate for respondent Nos.4, 6 and 7.

Mr. Sushil Jain, Advocate for respondent No.8.

B.S. Walia, J. (Oral).,

1. Prayer in the petition under Article 226/227 of the Constitution of India is for the issuance of a writ in the nature of certiorari for quashing order Annexure P/12 dated 13.07.2019 passed by the respondents declaring the petitioner unfit in physical measurement test on ground of his vision not being 6/6 in both eyes despite the petitioner being medically fit and having 6/6 vision in both eyes as per medical examination conducted by AIIMS, New Delhi vide Annexure P/14 dated 19.07.2019. Further prayer is for the issuance of a writ of certiorari for quashing result Annexure P/15 dated 17.07.2019 as the same does not reflect the name of the petitioner in the list of selected candidates for the post of Fire Station Officer despite his having

secured 57 marks while the last person selected for the post of Fire Station Officer secured 55 marks.

2. Pursuant to the interim orders of this Court dated 20.12.2012, medical examination of the petitioner for assessing his eye sight was got conducted at the PGI and as per report submitted, the petitioner was found to be having vision of 6/5 in both eyes. Subsequently on a clarification given by the PGI, it transpires that 6/5 is better vision than 6/6.

3. Learned Sr. DAG, Haryana as well as Sh. R.K Malik, learned Sr. Counsel assisted by Mr. Yogesh Sheoran, Advocate for respondent Nos.4, 6 and 7 contend that the question that the petitioner's eye sight meets the stipulated requirement pales into insignificance in view of the ineligibility of the petitioner for consideration for the post of Fire Station Officer on account of his not possessing the stipulated qualifications. Qualifications for the post of Fire Station Officer are reproduced as under :

“Cat No.1 10 post of Fire Station Officer

(GEN=4, SC=2, BCA=1, BCB=1, EBPB=1, ESM-
GEN=1) Total=10

E.Q. i) Bachelor of Engineering (Fire) from a recognized University with minimum 55% marks or equivalent Cumulative Grade Point Average.

Or

Graduate in Science with Chemistry as one subject at Graduation Level with minimum 55% marks or equivalent Cumulative Grade Point Average; and

Diploma in Fire Station Officer's and Instructor's Course from National Fire Service College, Nagpur.

Or

Graduate ship examination of the Institute of Fire Engineers

Or

Having passed membership examination of the Institutions of Fire Engineers of United Kingdom.

- ii) Hindi/Sanskrit up to Matric Standard or higher education;
- iii) Should have minimum physical standard i.e. Height-5'-7', Weight 54 Kg. and Chest 32" (inches) unexpanded and 34" (inches) expanded (without clothes), Eye Sight 6/6 (without glasses) and 6/6 (with or without glasses after the age of 45 years).
- iv) Should not be colour blind.
- v) Should have qualified departmental test as prescribed in Appendix E.
- vi) Heavy Motor Vehicle Driving License."

4. Learned counsel for the respondents contends that the petitioner was not a Graduate in Science with Chemistry, therefore, was ineligible for consideration for recruitment to the post of Fire Station Officer.

5. Ineligibility of the petitioner has been vehemently opposed by learned counsel for the petitioner, who contends that in view of the petitioner having passed the Graduate Ship examination of the Institute of Fire Engineers, the petitioner is fully eligible for consideration and appointment.

6. I have considered the submissions of learned counsel for the parties.

7. The requirement for recruitment to the post of Fire Station Officer is either Bachelor of Engineering (Fire) or Graduate in Science with Chemistry and Diploma in Fire Station Officer's **and** Instructor's Course from National Fire Service College, Nagpur **or** Graduate ship examination of the Institute of Fire Engineers **or** having passed membership examination of the Institutions of Fire Engineers of United Kingdom.

8. Learned counsel for the petitioner contends that the qualifications stipulated had to be read as Graduate in Science with

Chemistry and Diploma in Fire Station Officer's and Instructor's course **or** Graduate ship examination of the Institute of Fire Engineers or having passed membership examination of the Institutions of Fire Engineers of United Kingdom.

9. The aforementioned stand is without merit for the requirement is of being a Graduate in Science with Chemistry as one of the subjects at Graduation Level and Diploma in Fire Station Officer's and Instructor's Course from National Fire Service College, Nagpur or Graduate ship examination of the Institute of Fire Engineers or having passed membership examination of the Institution of Fire Engineers of United Kingdom in lieu of Diploma in Fire Station Officer's and Instructor's Course from National Fire Service College, Nagpur in addition to qualification of Graduation in Science with Chemistry as one of the subjects at Graduation Level. The first qualifications stipulated as conferring eligibility is Bachelor of Engineering (Fire) from a recognized University whereas the second qualification stipulated is Graduate in Science with Chemistry and Diploma in Fire Station Officer's and Instructor's Course from National Fire Service College, Nagpur or Graduate ship examination. The qualification, Graduate in Science with Chemistry is incomplete without possessing either Diploma in Fire Station Officer's and Instructor's Course from National Fire Service College, Nagpur or Graduate ship examination of the Institute of Fire Engineers or membership examination of the Institutions of Fire Engineers of United Kingdom.

10. In the circumstances, in view of the petitioner not being Bachelor of Engineering (Fire) nor being Graduate in Science with Chemistry as one of the subjects at the Graduation Level, mere possessing of Graduate ship

examination of the Institute of Fire Engineers does not make the petitioner eligible for consideration for selection to the post of Fire Station Officer. The requirement of possessing qualification of Graduate ship examination of the Institute of Fire Engineers or having passed membership examination of the Institution of Fire Engineers of United Kingdom is in lieu of possessing qualification of Diploma in Fire Station Officer's and Instructor's Course from National Fire Service College, Nagpur in addition to the qualification of Graduate in Science with Chemistry as one of the subjects at the Graduation Level.

11. Resultantly, finding no merit in the writ petition, the same is dismissed.

February 18, 2020

ps

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

(B.S. Walia)

Judge