

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

CWP No.23473 of 2016
Date of decision 28.01.2020

Pawan Kumar and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manoj Chahal, Advocate,
for the petitioners.

Mr. Harish Nain, AAG, Haryana.

Ritu Bahri, J.

Petitioners are seeking quashing of the show cause notice dated 03.11.2016 (Annexure P-3) proposing reversion of petitioner No.1 to the post of Peon for non passing of SETC examination. They are further seeking quashing of clause 'V' of the promotion order dated 19.02.2016 (Annexure P-2) in respect of petitioner Nos. 2 and 3.

Petitioners are seeking the benefit of order dated 27.02.2009 (Annexure P-7), whereby exemption from passing of type test was granted to similarly situated employees. Learned counsel for the petitioners has referred to the judgment dated 15.01.2014 passed by this Court in **Jai Kanwar vs. State of Haryana and others**, CWP No.21630 of 2010 (Annexure P-8), wherein it has held that in the absence of any statutory rules, such type of condition cannot be imposed in the promotion order.

Upon notice, written statement on behalf of respondent Nos.1 to 3 has been filed. Learned State counsel has informed that Division Bench of this Court in **Nissar Ahmed vs. State of Haryana and another**,

CWP No.18143 of 2018 (decided on 08.05.2019) has held that imposing of condition of passing **State Eligibility Test in Computer Appreciation and Application (SETC)** test is not contrary to the rules.

In view of the said decision given by the Division Bench of this Court, no further orders are required to be passed in this petition.

Disposed of accordingly.

28.01.2020
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No