

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

CWP NO. 21406 OF 2020

DATE OF DECISION : 11.12.2020

Kapil

...Petitioner

Versus

Haryana Public Service Commission and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Anil Mehta, Advocate
for the petitioner.

Mr. Kanwal Goyal, Advocate,
for the respondents.

(Presence has been marked through Video Conference)

ARUN MONGA, J. (ORAL)

Petitioner seeks quashing of impugned result dated 12.10.2020 (Annexure P-1) declared by respondent No.2 vide which 12 candidates have been selected for the post of Horticulture Development Officer (Class-II) under the BC-A category of Haryana by allegedly giving them undue advantage of their Masters Degree.

2. Learned counsel for the petitioner, inter-alia, contends that, notwithstanding, that Masters Degree in Horticulture is of no significance as it did not form part of the eligibility criteria, as per advertisement dated 29.12.2018 read with the applicable Service Rules, but yet undue advantage has been conferred of the said degree on certain candidates. The selection in question is qua posts of Horticulture Development Officer (Class-II) by respondent No.1.

3. The petitioner is stated to be a Masters Degree holder in Agronomy which is contended to be equally relevant, if not more, given the nature of job of a

Horticulture Development Officer. The petitioner is aggrieved for not having been accorded the benefit of 06 marks qua his Masters Degree as has been done in the case of those who have done Masters in Horticulture. The petitioner pointed out the aforesaid anomaly vide his representation dated 25.10.2020 (Annexure P-9) to elicit a plausible and legally justifiable response from respondent No.1 followed by issuance of a legal notice dated 01.12.2020 (Annexure P-10) but to no avail. Hence, the instant petition.

4. Notice of motion.

5. Mr. Kanwal Goyal, Advocate, who has joined proceedings on service of advance copy of the petition, appears and accepts notice on behalf of the respondents and submits that as regards the contention of learned counsel for the petitioner qua not responding to the representation/legal notice of the petitioner, the same does not seem to be correct. He submits that as per his instructions, a draft reply was duly got vetted and was in the process of being sent, and in all likelihood it has been sent through all appropriate means.

6. Be that as it may, the petition is disposed of with liberty to the petitioner to challenge the order so passed pursuant to his representation/legal notice. In case he is aggrieved with the reasoning contained therein, he shall be at liberty to challenge the said order. In the event, the order so passed/vetted reply has not been sent to the petitioner, the same shall be served upon the petitioner, as expeditiously as possible.

7. The petition stands disposed of with the aforesaid liberty.

11.12.2020
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No