

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-402-2021
(Heard through VC)
Date of decision: 08.01.2021

Akshay Kumar**....Petitioner****V/s.****Haryana Staff Selection Commission****....Respondent****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Vikram Sheoran, Advocate for the petitioner.

Ritu Bahri, J. (Oral)

The petitioner is seeking quashing of the advertisement dated 14.06.2019 (Annexure P-3) whereby essential qualification for the 697 posts of Gram Sachiv has now been changed to graduation.

The grievance of the petitioner is that prior to this advertisement earlier the posts were advertised in the year 2015 vide advertisement No. 6/2015 dated 08.07.2015 (Annexure P-1) where the essential qualification for the said posts was matric/higher secondary/10+2. However this advertisement was withdrawn and vide advertisement No. 9/2019 dated 14.06.2019 (Annexure P-3), the essential qualification has now been altered to graduation. He says that the petitioner was eligible as per the earlier advertisement No. 6/2015 dated 08.07.2015 (Annexure P-1).

On a specific query put to learned counsel for the petitioner, he says that the essential qualification for the above said posts has now been amended to graduation.

In the present case, the Haryana Staff Selection Commission is a party which is bound by the requisition sent by the respective department

and as per the Rules, it cannot dilute the essential qualification. Moreover a perusal of the advertisement No.9/2019 dated 14.06.2019 (Annexure P-3) shows that in the note (at page 28 of the paper-book), benefit of relaxation of age and fees has been given to those candidates who applied against advertisement No. 6/2015 dated 08.07.2015 (Annexure P-1) and with respect to candidates who have now become ineligible, they can apply for refund of fees.

The Supreme Court in *State of Jharkhand and others V/s. Ashok Kumar Dangi and others 2011 (13) SCC 383* has held that State has a right to make selection and appointments according to its amended Rules. Further in *N.T.Devin Katti etc. V/s. Karnataka Public Service Commission 1992(2) S.C.T. 578*, the Supreme Court has held that if the rules are amended after the advertisement with retrospective effect, the selection and appointments shall be governed with the amended rules otherwise the prevailing rules on the date of advertisement will regulate the same. An applicant does not acquire any vested right for selection/appointment.

Hence no ground to entertain this petition is made out.

Writ petition is dismissed.

08.01.2021

Divyanshi

**RITU BAHRI
(JUDGE)**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No