

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-4409-2021

Date of decision:25.02.2021

Anusuya Yadav

....Petitioner

V/s.

**Central Administrative Tribunal, Chandigarh
and others**

.....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

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

Mr. D.S.Nalwa, Additional Advocate General, Haryana.

Mr. Kanwal Goyal, Advocate for respondent No.5.

Ritu Bahri, J.

By this petition, the petitioner, who is working as Associate Professor in Maharishi Dayanand University, Rohtak, is seeking writ of mandamus for quashing of order dated 23.12.2020 (Annexure P-5) passed by respondent No. 1-Central Administrative Tribunal, Chandigarh whereby she has been considered ineligible to appear in the examination conducted by respondent No. 5-Haryana Public Service Commission, Panchkula, Haryana for recruitment of 5 posts of IAS of Haryana Cadre for non-State Civil Services Officers with respect to selection list of the year 2019.

Further prayer is made that respondent No. 5 be directed to issue roll number to the petitioner against advertisement No. 1/2020 dated 20.06.2020 to appear in the written examination for the post of IAS of Haryana Cadre for non-State Civil Services Officers.

At the very outset, learned counsel for the State has informed the Court that the final result to the post in question has already been declared on 29.10.2020 and no relief can be granted to the petitioner at this

stage.

Heard learned counsel for the parties.

The short question for consideration in the present writ petition is whether the petitioner, who is working as Associate Professor in Maharishi Dayanand University, Rohtak, is eligible to participate in selection of 5 posts of IAS of Haryana Cadre for non-State Civil Services Officers?

In order dated 23.12.2020 (Annexure P-5), reference has been made to a decision given by a Division Bench of this Court in the case of ***Deepak Kumar and others V/s. State of Haryana and others***, decided on 29.07.2019 whereby a similar issue relating to employees serving in the Haryana Shehri Vikas Pradhikaran and Haryana State Agricultural Marketing Board, Panchkula was considered and it was held that these departments cannot be termed as Government Departments. Even the employees of the Board/Corporations, Cooperative Societies which are controlled by the State, cannot be termed as employees of the Government. Further reference was made to an order dated 11.03.2011 (Annexure A-5 in the present writ petition) passed by the Government vide which the employees of the Board/Corporations were held ineligible and this issue came up for consideration before this Court in ***CWP-9127-2020*** titled as ***Ashish Dhull and another V/s. State of Haryana and others***, decided on 24.08.2020, and the Government order dated 11.03.2011 was upheld. The judgment of ***Ashish Dhull's case (supra)*** has been placed on record as Annexure R-4/2. A perusal of the order dated 24.08.2020 (Annexure R-4/2) shows that in that case, petitioners were working in the Haryana Power Generation Corporation, Panipat and they were challenging vires of Clause-

2(iii) of the order dated 11.03.2011 (Annexure A-5 in this writ petition) issued by the Department of Personnel, Government of Haryana by which the officers of Boards or Corporations and other autonomous bodies were not brought within the definition of Government Employees and they were not allowed to apply for the post of Indian Administrative Service (IAS) from non-State Civil Services in terms of Indian Administrative Service (Appointment by Selection) Regulations, 1997. The Division Bench referred to the decision given by this Court in *CWP-19790-2019* titled as *Deepak Kumar and others V/s. State of Haryana and others* and *CWP-19994-2019* titled as *Parveen Kumar and another V/s. State of Haryana and another*. Against these judgments, *SLP Nos. 18170-2019* and *20087-2019* have also been dismissed by the Hon'ble Supreme Court on 31.07.2019 and 30.08.2019 respectively. Order dated 11.03.2011 (Annexure A-5 in this writ petition) has now been again referred to while rejecting the case of the present petitioner by the Central Administrative Tribunal, Chandigarh while passing order dated 23.12.2020 (Annexure P-5). Moreover, the final result of the selection process has already been declared and it is not the case of the petitioner that any ineligible candidate has been selected.

Hence, writ petition is dismissed being devoid of merits.

(RITU BAHRI)
JUDGE

25.02.2021

Divyanshi

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No