

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

CWP-15643-2021 (O&M)

Date of decision: 07.12.2021

Mohd. Imran

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mohd. Arshad, Advocate,
for the petitioner.

Mr.Saurabh Mohunta, DAG, Haryana.

Dr. Neha Awasthi, Advocate,
for respondent No.2-HPSC.

ARUN MONGA, J. (ORAL)

Grievance of the petitioner herein is qua inclusion of Urdu as an optional subject in the list of subjects of main examination of Group 'A' and 'B' posts (Haryana Civil Services and Allied Services) advertised vide an advertisement No. 03/2021 dated 26.02.2021 (Annexure P-1). The petitioner has also sought a direction directing the respondents to consider him for participating in the aforesaid recruitment process until the final decision qua inclusion of Urdu is taken.

2. In the course of arguments, learned State counsel has tendered reply dated 03.12.2021 on behalf of respondent No.1, which is taken on record. Copy thereof has already been supplied to learned counsel for the petitioner. In response to the petition, following pointed stand has been taken in the return filed by respondent No.1-State of Haryana:

3. *That at the outset, it is submitted that the Advertisement (Annexure P-1) was issued on 26.02.2021 inviting applications from the interested/eligible candidates for the Haryana Civil Service (Executive Branch) and other Allied Services Examination, 2021 and the last date for submission of*

application was 02.04.2021. If the petitioner was actually interested to appear in the said Examination, he should have applied for the same and simultaneously approached this Hon'ble Court for inclusion of Urdu as optional subject in the main written examination but he miserably failed to do so and has filed the present petition only on 24.08.2021 after coming to know about the date of preliminary exam through an advertisement in the newspaper in this regard. Hence, the petition is liable to be dismissed at this ground alone.

XXX XX

5(2)

From the perusal of aforesaid Rule, it is submitted that Urdu has not been included as optional subject for Main Written Examination of Haryana Civil Services (Executive Branch) & Allied Services Examination. For inclusion of Urdu as an optional subject, the aforesaid Rule 11 of the Haryana Civil Services (Executive Branch) Rules, 2008 (amended from time to time) is required to be amended. It is pertinent to mention that the petitioner has not challenged the said Rules, 2008 and in the absence of challenge to the vires of said rules, the present petition is not maintainable and is liable to be dismissed."

3. While on the other hand, perusal of written statement filed by respondent No.2- Haryana Public Service Commission would reveal that as regards the power to include a subject as an option in the syllabus for selection to Civil Services, the same is vested with the State Government and therefore, Commission does not have much role to play, as the Commission is simply assigned with the job of conducting the written examination as a recruitment agency and the rest of the selection process is based on the recommendation made by the State Government.

4. Having perused the reply filed by the State Government, which is based on the Rules which have been framed by the State Legislature. Not only the Rules are not under challenge before this Court, even otherwise, it transpires that petitioner did not even apply pursuant to the aforesaid advertisement and did not take any examination and, therefore, lacks the very locus standi to seek the relief qua the inclusion of Urdu as subject.

5. No grounds are made out to interfere. Disposed of with liberty to the petitioner to challenge the Rules, if so advised.

6. Costs of Rs.5,000/- is imposed on the petitioner. In lieu of imposition of costs, the petitioner shall plant trees of deciduous and perennial in nature, of any variety viz. Neem, Amla, Gulmohar and/or Alstonia, in the neighbourhood of his residence. Plantation shall be carried out under the supervision of the District Horticulture Department. In case, the petitioner defaults in doing so, liberty is granted to the Registry to place the matter before this Court to report non-compliance thereof. Proof of plantation to be furnished by the petitioner in the Registry of this Court, along with supporting letter from the horticulture department, to be placed before this Court upon receipt thereof.

07.12.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No