

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 16448 of 2021

Date of Decision: 07.09.2021

Arshdeep Singh Anand and Others

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Harjot Kaur, Advocate
for the petitioner(s).

Ms. Sunint Kaur, Assistant Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. Through this writ petition, the petitioners pray for the following substantive reliefs:

“A) *Prayer for issuance of writ especially in the nature of Certiorari directing the respondents to quash/modify experience relaxation to the petitioners for applying against the post of Assistant Forensic Officer for which advertisement has been given on 17th August, 2021 on the ground that the petitioners are the first batch of B.Sc. Forensic Science in Punjab and they have got no genuine opportunity to gain experience as mentioned in the requirement of the post.*

B) *Further prayed that the benefit of the COVID-19 period may kindly be granted to the petitioners while counting*

their age as on 1st January 2021 in the lines of judgment of the Hon’ble Supreme Court in Re Cognizance for extension of limitation whereby the period starting from 15th March 2020 till further orders be considered as Zero period and excluded for all the purpose and the benefit of Covid period has been given to one and all despite time period mentioned in various special or general law”.

2. In essence, the petitioners claim that they have passed B.Sc. (Forensic Science) in the first batch of the Lovely Professional University, Jalandhar. The respondent-State has issued a recruitment notice dated 17.08.2021 inviting the applications for filling up 150 vacancies of Assistant Forensic Officer along with certain other posts. As per the recruitment notice, the candidate is required to be a Bachelor’s degree holder in Forensic Science or any other equivalent degree from the Central or State Government recognized University or Institution along with minimum two years of work experience in any University or Quasi-Government Forensic Organization or Central or State Government Accredited Forensic Science Laboratory.

3. The petitioners assail the correctness of the requirement of the work experience. The relevant part of the recruitment notice reads as under:-

<i>Name of Post</i>	<i>Educational Qualification</i>	<i>Experience</i>
<i>Assistant Forensic Officer</i>	<i>Bachelor’s degree in Forensic Science or equivalent from a Central or State Government recognized University or</i>	<i>Minimum 02 years of work experience in any Government or Quasi-Government Forensics Organization or Central or State Government</i>

	<i>Institution.</i>	<i>Accredited Forensic Science Laboratory(ies) or Institute(s) or Central or State Government Chemical Examiner Laboratory(ies) or any Public Sector Laboratory(ies).</i>
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4. From a bare reading of the writ petition, it is apparent that the petitioners have neither annexed or referred to any service rules applicable to the post in question nor alleged any violation thereof. The petitioners have pleaded that in the various other States, the recruitment is being made without the requirement of any experience in respect of the post in question. The petitioners claim that since they have passed the Bachelor’s Degree from the first batch of Lovely Professional University, Jalandhar, therefore, the candidates having experience may not be available.

5. As already noticed, the petitioners do not even assert the violation of any of the provisions of the service rules. It is the prerogative of the employer to lay down the minimum requirements for recruitment to a particular post in accordance with the Service Rules. In the absence of violation of any rule or the requirement being patently arbitrary, the Court is not expected to interfere.

6. Learned counsel representing the petitioners contends that in the recruitment notices issued by the different Sates, there is no requirement of any experience and therefore, the action of the State of Punjab is discriminatory.

7. It would be noted here that every State being an independent employer is entitled to lay down the minimum qualifications and experience

required, before recruiting the employees. The recruitment notice issued by the various other States cannot be as such binding on the State of Punjab. The petitioners cannot be permitted to invoke Article 14 of the Constitution of India in such circumstances. They cannot claim that the requirements regarding the minimum qualification and experience should be uniform for all the States.

8. Hence, this Court does not find any ground to issue the writ. Consequently, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

September 07, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No