

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

CWP-5985-2022 (O&M)

Date of decision: 29.07.2022

MANOJ KUMAR AND ORS

...Petitioners

HARYANA STAFF SELECTION COMMISSION AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Lekhraj Nandal, Advocate,
For the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. D.S.Nalwa, Advocate for applicant/proposed respondents
No.3 to 6.

ARUN MONGA, J. (ORAL)

CM-10528-CWP-2022

This is an application for impleading the applicants as party respondents No.3 to 6.

For the reasons stated in the application, the same is allowed, as prayed for. Amended 'memo of parties' is taken on record. Registry to take steps accordingly.

Main case

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the selection dated 10.03.2022 (Annexure P-4) for the post of Ophthalmic Assistant in pursuance to advertisement No.15/2019 dated 07.09.2019 (Annexure P-1). Further prayer has been made to direct the respondents to consider the petitioners as fully eligible for the said post, having the requisite qualification as per Service Rules and advertisement i.e. Ophthalmic Assistance Diploma from Medical College Rohtak or any other institution.

2. The controversy raised herein i.e., whether a candidate having higher qualifications than the one prescribed as minimum and/ or essential is eligible to be considered for the post in question is no more *res integra*.

3. I need not labour again to replicate herewhat I have already opined in ***CWP-6193-2022 decided on 29.03.2022*** titled ***“Rupender and others Vs. State of Haryana and others”***. Reference may be had to it and for the sake of brevity, same is not being reproduced herein.

4. That apart, my attention has been drawn to the administrative Instructions dated 25.03.2016 issued by the office of the Chief Secretary addressed to all the Administrative Secretaries/ Heads of the Departments, relevant portion thereof reads thus:

“2. After due consideration, it has again been decided that if a candidate possesses higher qualifications in the same line as prescribed in the minimum qualifications applicable to a particular post then he should be considered as eligible for that post. It is, therefore, directed that the provision that if a candidate possesses higher qualifications in the same line as prescribed in the minimum qualifications applicable to a particular post, then he should be considered as eligible for that post be inserted in the Service Rules and if not inserted in the Service Rules, then it should be clarified in the requisitions being sent to HSSC/HPSC. These instructions should be followed meticulously.”

5. Import of the said instructions is in tune with the opinion rendered by me in the judgment *ibid*. In any case, said Instructions are not under challenge. In the premise, no grounds for interference are made out.

6. Dismissed.

(ARUN MONGA)
JUDGE

July 29, 2022
Vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No