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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-11987-2022 (O&M)
Date of decision : May 30, 2022****Anita Rani and another****.....Petitioners****Versus****State of Haryana and others****....Respondents****CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Sanchit Punia, Advocate for the petitioners.

Mr. Harish Nain, AAG, Haryana (on advance notice).

LISA GILL, J.

Petitioners seek quashing of action of the respondents whereby candidates having experience of Librarian have been considered for the post of Librarian, allegedly in an illegal and arbitrary manner and in violation of eligibility criteria as mentioned in advertisement No. 12/2019 dated 20.07.2019.

It is submitted that applications for appointment to 45 posts of Librarian were invited vide abovesaid advertisement and essential qualifications for the said post read as under:-

- (i) Bachelor degree in Library Science from a recognized university;
- (ii) Two years experience as a Junior Librarian in any reputed Institute;
- (iii) Hindi/Sanskrit upto Matric Standard or higher education.

Learned counsel for the petitioner submits that both the petitioners being qualified and having requisite experience of Junior Librarian applied for the post in question. They took the written examination held on 18.12.2019. After declaration of the result of written examination on 01.03.2020, candidates including petitioners were called for scrutiny of documents on 11.03.2020. It is submitted that at the time of scrutiny of documents, petitioners came to know that experience certificate of Librarian was also being accepted by the respondents. Present petitioners raised an objection before the authority in this regard, taking a stand that experience certificate of Librarian cannot be accepted, once the essential qualification for the post of Librarian is two years experience as 'Junior Librarian' in any reputed institute. It is further stated that the authorities at that time gave an assurance that scrutiny shall be conducted as per the essential qualifications mentioned in the advertisement but it transpired that experience certificate of 'Librarian' instead of 'Junior Librarian' was illegally accepted for the post of Librarian. It is further submitted that respondent – authorities in order to favour certain candidates allowed editing, correction of their information in the scrutiny form filled up online. However, in an illegal and arbitrary manner, final result was declared on 18.05.2022 and candidates not having essential qualifications i.e. two years experience as Junior Librarian have been selected. Therefore, result dated 18.05.2022 should be set aside and respondents be directed to scrutinize documents of the candidates once again, strictly in consonance with essential qualifications as mentioned in advertisement dated 20.07.2019 and to accept the candidature of only these candidates having experience of 'Junior Librarian' and not of 'Librarian'. Learned counsel for the petitioner relies on the judgment of Hon'ble Supreme Court in **Bedanga**

Talukdar versus Saifudaullah Khan (2012) AIR (SC) Civil 1340, to advance his case. It is thus, prayed that this petition be allowed.

Heard.

Eligibility conditions and qualifications as per the advertisement for the post of Librarian is not in dispute. Argument sought to be raised by learned counsel for the petitioner is that a qualified Librarian is not entitled for consideration for the post of Librarian as experience certificate submitted by such a candidate is not that of 'Junior Librarian' in terms of the advertisement.

It is pertinent to note at this stage that on a pointed query, learned counsel for the petitioner has conceded that no benefit or extra weightage has been afforded to any candidate, who submitted experience certificate of Librarian. In this factual matrix, where the post of Librarian is admittedly in the same line as that of a Junior Librarian and furthermore even as per the case of the petitioner, no benefit or weightage has been afforded to such a candidate, rejection of their candidature is certainly not called for. It is not the case of the petitioners that they have been put to any prejudice by acceptance of experience certificate of Librarian. Admittedly, there has been no advantage to the said candidates nor any disadvantage to the petitioners. Reliance by learned counsel for the petitioner on the judgment of Hon'ble Supreme Court in the case of **Bedanga Talukdar** (supra) is misplaced as the said judgment does not apply to the facts and circumstances of this case. Controversy in the case of **Bedanga Talukdar** (supra) was regarding submission of requisite certificates by the persons with disabilities after cut of date. Controversy revolves around power of relaxation of certain conditions. In this context it was observed by the Hon'ble Supreme Court as under:-

“28. We have considered the entire matter in detail. In our opinion, it is too well settled to need any further reiteration that all appointments to public office have to be made in conformity with Article 14 of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being shown to any candidate. Therefore, the selection process has to be conducted strictly in accordance with the stipulated selection procedure. Consequently, when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained. There can not be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved. Such a power could be reserved in the relevant Statutory Rules. Even if power of relaxation is provided in the rules, it must still be mentioned in the advertisement. In the absence of such power in the Rules, it could still be provided in the advertisement. However, the power of relaxation, if exercised has to be given due publicity. This would be necessary to ensure that those candidates who become eligible due to the relaxation, are afforded an equal opportunity to apply and compete. Relaxation of any condition in advertisement without due publication would be contrary to the mandate of quality contained in Articles 14 and 16 of the Constitution of India.

29. A perusal of the advertisement in this case will clearly show that there was no power of relaxation. In our opinion, the High Court committed an error in directing that the condition with regard to the submission of the disability certificate either along with the application form or before appearing in the preliminary examination could be relaxed in the case of respondent No. 1. Such a course would not be permissible as it would violate the mandate of Articles 14 and 16 of the Constitution of India.”

In the instant case, it cannot be said that there has been a relaxation of an eligibility condition in the advertisement in any manner by consideration of the candidates offering certificate of ‘Librarian’ instead of ‘Junior Librarian’. It bears reiteration that no extra weightage or benefit has been afforded to such candidates.

Petitioners can, thus, avail no benefit from this decision. In my considered opinion, no ground is made out for any interference in this writ petition.

No other argument has been addressed.

Writ petition is, accordingly, dismissed with no order as costs.

May 30, 2022

rts

(LISA GILL)

JUDGE

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