

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

CWP-18164-2022 (O&M)
Date of Decision: 22.08.2022

Ved Parkash and others	Versus	Petitioners
State of Haryana and others		Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vivek Khatri, Advocate
for the petitioners.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing order dated 25.07.2022 (Annexure P-7) passed by respondent No.3, whereby respondents No.4 & 5 have been promoted from the post of Kanungo to the post of Assistant Consolidation Officer.

2. Before advertng to the claim of the petitioners, it would be apposite to have a look at the applicable Service Rules i.e. Rule 7 and Appendix B thereto of the Haryana Consolidation Department (Group C) Service Rules, 1991 which is extracted herein below:-

“7. No person shall be appointed to any post in the Service unless he is in possession of qualifications and experience specified in column 3 of Appendix B to these rules in the case of direct recruitment and those specified

in column 4 of the aforesaid Appendix in the case of person other than by direct recruitment.

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Appendix B
[See Rule 7]

<i>Serial No.</i>	<i>Designation of Post</i>	<i>Academic qualifications and experience, if any, for direct recruitment</i>	<i>Academic qualifications and experience, if any, for appointment other than direct recruitment</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>1</i>	<i>Assistant Consolidation Officer</i>	<i>--</i>	<i>(i) Matric or its equivalent of a recognized University or Board. (ii) Knowledge of Hindi upto Matric standard. (iii) Five years experience as Consolidation Kanungo, Peshi Kanungo or Inspector.”</i>

3. Perusal of the above leaves no manner of doubt that minimum 5 years experience as Kanungo is a pre-requisite to be eligible for being considered for the promotional post of Assistant Consolidation Officer. Petitioners are challenging the promotion of the private respondents. I am of the view that before looking into the merits of the same, petitioners must establish that they are eligible to be considered for the said post. Merely because they claim themselves to be senior, on whatever grounds, would not render

them eligible in violation of the Rule *ibid*. It is pertinent to mention here that date of appointments of petitioners as Kanungo are as under:

- | | | | |
|------|-----------------|---|------------|
| i) | Petitioner No.1 | - | 02.07.2018 |
| ii) | Petitioner No.2 | - | 02.07.2018 |
| iii) | Petitioner No.3 | - | 02.07.2018 |
| iv) | Petitioner No.4 | - | 09.01.2019 |
| v) | Petitioner No.5 | - | 09.01.2019 |

Therefore, it is clear as daylight that none of the petitioners have completed 5 years of service as Kanungo and are thus ineligible.

4. Consequently, the petition is dismissed, more so when it is not even the case or prayer that *quo warranto* be issued .

(ARUN MONGA)
JUDGE

August 22, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No