

211 (8 cases)

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

Date of Decision:30.08.2022

- 1) CWP No.81 OF 2017 (O&M)**
Virender and others ...Petitioners
Versus
State of Haryana and others ...Respondents
- 2) CWP No.82 OF 2017 (O&M)**
Balkishan and others ...Petitioners
Versus
State of Haryana and another ...Respondents
- 3) CWP No.234 OF 2017 (O&M)**
Pardeep and others ...Petitioners
Versus
State of Haryana and others ...Respondents
- 4) CWP No.9674 OF 2017 (O&M)**
Ravi Kumar and others ...Petitioners
Versus
State of Haryana and others ...Respondents
- 5) CWP No.18338 OF 2017 (O&M)**
Anil Kumar and others ...Petitioners
Versus
State of Haryana and another ...Respondents
- 6) CWP No.24812 OF 2017 (O&M)**
Sandeep Kumar and another ...Petitioners
Versus
State of Haryana and another ...Respondents
- 7) CWP No.7314 OF 2018 (O&M)**
Sunil ...Petitioner
Versus
State of Haryana and another ...Respondents
- 8) CWP No.26528 OF 2017 (O&M)**
Sourabh Kumar and another ...Petitioners
Versus
State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sandeep Dhull, Advocate
for the petitioners (CWP Nos.81 & 82 of 2017).

Mr. D.S. Malik, Advocate
for the petitioners (CWP No.234 & 9674 of 2017)

Mr. Sandeep Panwar, Advocate
for the petitioners (CWP Nos.18338, 24812, 26528 of
2017)

Mr. Sajjan Singh, Advocate and Mr. Sandeep Kumar,
Advocate for the petitioner (CWP No.7314 of 2018)

Mr. D.S. Nalwa, Additional A.G., Haryana.

Mr. Gurinder Pal Singh, Advocate
for respondents No.3 to 10 (CWP No.81 of 2017)

ARUN MONGA, J. (ORAL)

Since common questions of facts and law are involved in this bunch of petitions, they are being decided by a common order. For the sake of convenience, the facts are being taken from CWP No.81 of 2017.

2. Petitioners herein, *inter alia*, seek issuance of a writ in the nature of Certiorari for quashing order dated 30.12.2016/03.01.2017 (Annexure P-4) whereby selection and appointment of the petitioners has been cancelled.

3. The Fisheries Department, Haryana, advertised 90 posts of Fisherman-cum-Watchman. The duly constituted Selection Committee after taking various practical tests i.e. swimming,

waiving of Net, throwing of Net and identification of various categories of fishes and technical detail, interviewed the petitioners and the result was declared on 09.12.2016 (Annexure P-2). Thereafter, the petitioners were offered appointment letters. However, vide impugned order dated 30.12.2016/03.01.2017 (Annexure P-4), the selection and appointment of Fisherman-cum-Watchman has been cancelled. Hence, the present petition.

4. What thus emerges is that the petitioners are aggrieved by the cancellation of their selection carried out against advertisement (Annexure P-1). Qua the controversy in hand, in fact I need not labour all over again as the same has been succinctly summed up in order dated 17.11.2017 alongwith some observations made by Amol Rattan Singh, J. (as he then was in this Court) in the following words:

“Consequently, while keeping this petition pending, it is directed that the Chief Secretary to the Government of Haryana, would appoint an Inquiry Committee of senior officers, with the Chairman of the Committee being an officer senior in a rank to the Director, Department of Fisheries, Haryana. The Committee would go into the question of whether the selection process in question was fairly conducted or not.”

5. Thereafter, a committee of three senior functionaries was constituted, who were serving in Indian Administrative Services i.e. the Director, Skill Development & Industries Training Department, Managing Director, HAFED and the Principal Secretary, Monitoring

& Coordination Department, who after threadbare going into all the allegations, concluded as follows:-

“27. The Committee has considered the submissions made by different stakeholder and also examined the record pertaining to the selection process. After careful perusal of the same this Committee is of the opinion that the selection process in question had not been conducted in a fair and transparent manner. In coming to such a conclusion, the circumstances that have weighed with the Committee are as under:

- (i) No procedures or guidelines were prescribed by the Director for conducting the practical test or interview by the Selection Committee. Neither the procedure adopted by the Selection Committee at their level was approved by the Director.*
- (ii) The Director Fisheries should have given detailed guidelines to the Selection Committee and the principles of natural justice required that the selection criteria should be made known to all the candidates in advance either in the advertisement issued or through the interview letters. However, in the instant case no such pre-determined criteria was published or made known to the candidates. The Selection Committee disclosed the marks for four different components only on the spot. But, further detailed scheme of marks was not disclosed to the candidates at any stage. The detailed scheme of marking was known only to the Selection Committee members.*
- (iii) The permission for starting the recruitment process from Hon’ble Chief Minister was obtained by Director Fisheries through Principal Secretary*

and Minister of Fisheries. For cancellation of recruitment process, the Director Fisheries wrote on 27.12.2016 to the Principal Secretary, with the copy to the Minister of Fisheries. However, without awaiting the approval of competent authority, the Director cancelled the recruitment process by his orders dated 30.12.2016.

- (iv) *Director Fisheries in its proposal submitted to the Administrative Department mentioned that the departmental Selection Committee will be headed by Director Fisheries as Chairman. The other members of the Selection Committee will be Deputy Director (Headquarter), concerned Deputy Director and District Fisheries Officers (Headquarter). The Administrative Department vide its letter dated 08.02.2016 gave approval for recruitment on the understanding that the selection will be made by the Selection Committee as per the proposal. However, the Director Fisheries vide his orders dated 27.07.2016 constituted a Selection Committee which was headed by Shri Vijay Kumar Sharma, Deputy Director Fisheries (Headquarter) as Chairman, which was different than what was agreed by the Administrative Department. Hence, the Director Fisheries disregarded the approval of the Administrative Department with regard to constitution of the Selection Committee.*
- (v) *The officers/officials of the Department and members of the Selection Committee never informed the Department about their relatives appearing in the selection process, which is a serious misconduct.”*

6. Having gone through the Committee's report and the conclusion thereof, I find no irregularity committed by the competent authority in directing the cancellation of the selection which is impugned herein. Even it was open for the petitioners to challenge the said Committee's report, but till date it has not been done by them. Therefore, no ground for interference is made out.

7. Be that as it may, the petitions are dismissed with liberty to the petitioners to challenge the Committee's report, if so advised.

8. Pending civil miscellaneous applications, if any, also stand disposed of. Photocopy of this order be placed on files of the connected cases.

August 30, 2022
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No