

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

**CWP No.14678 of 2021 (O&M)
Date of Decision : 09.01.2023**

Amardeep Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Raj Kumar Bhatia, Advocate
for the petitioners.

Mr. Maninder Singh, Dy. Advocate General, Punjab.

PANKAJ JAIN, J.

Petitioners pray for writ in the nature of mandamus directing the respondents to call them for counseling as per their merit in the written examination ignoring the result of type test in Punjabi/English language.

2. Respondent No.2 by way of Public Notice dated 9th of April, 2021 bearing Advt. No.3 of 2021 invited applications for 160 posts of Legal Clerks. The essential qualification as prescribed in the public notice reads as under

“5. Educational qualification

As per Punjab Civil Secretariat (State Service Class III)

First Amendment) Rules, 2020 dated 27/11/2020:-

(I) Should be a Law Graduate from a recognized

university or institution;

(II) Qualifies a competitive test to be held by the recruiting authority; and

(III) Qualifies a test in Punjabi and English typing to be held by the recruiting authority at the speed of thirty words per minute or at such speed as may be specified by the Punjab Government from time to time and other conditions applicable as per the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994, as amended from time to time, (iv) Possesses atleast one hundred and twenty hours course with hands on experience in the use of Personal Computer or information Technology in Office Productivity applications or Desktop Publishing applications from a Government recognized institution or a reputed institution, which is ISO 9001, certified OR Posses a Computer Information Technology Course equivalent to 'O' level certificate of Department of Electronics Accreditation of Computer Course (DOEACC) of Government of India.

(IV) Shall have passed Punjabi at the matriculation level as per the Punjab Civil Services (common condition rules) 1994.”

3. The notice further prescribed selection procedure in the following terms :

“9. Information regarding Selection process and examination.

(I) Objective type test shall be conducted for those who have successfully applied against the advertised post of Legal Clerk. It is mandatory for the candidate of any category to secure atleast 40% marks.

(II) Out of the candidates who have passed the written examination (meaning thereby who have secured atleast 40% marks), candidates will called for speed test in Punjabi and English with speed of 30 words per minute as per the decision of the competent authority.

- (III) English and Punjabi type test shall be conducted on computer. Punjabi type test shall be conducted in the Unicode Raavi Font.
- (IV) English and Punjabi Test shall be of Qualifying nature. Comon merit list shall be prepared among the type test qualified candidates based upon the marks obtained in the written examination.
- (V) Type test pass candidates in the multiple of three or as per the decision of the competent authority shall be called for counseling.
- (VI) If two candidates getting equal marks then the person who is elder in age will be considered as higher in merit. But if they have same age then the person having more marks in educational qualifications will be considered as senior and if the situation will not solve then the marks in the matriculation exam will be considered.
- (VII) For written examination and type test roll number, syllabus and other information shall be issued on the boards website. So the candidates are advised to check the site regularly.”

4. The petitioners being eligible applied for the same. As prescribed written test was conducted on 11th of July, 2021 and result was declared on 15th of July, 2021. Petitioners claim to have obtained marks in written examination as tabulated hereunder :

Petitioner No.1	81.25
Petitioner No.2	64.75
Petitioner No.3	67.23
Petitioner No.4	80.25
Petitioner No.5	68.75
Petitioner No.6	64.25
Petitioner No.7	71.25
Petitioner No.8	-
Petitioner No.9.	-

5. The petitioners were called for type test. The petitioners participated but could not qualify the same. Petitioners by way of present writ petition claim that non-qualification of type test should not be taken against them and they be called for counselling merely on the marks obtained in the written test de hors the fact that they could not qualify the type test. It has been claimed that the type test is not mandatory but is merely of qualifying nature. Instructions being followed by the State of Punjab in various departments prescribed that qualifying typing test can be passed during the probation period. It has been further claimed that the petitioners have knowledge of Punjabi/English typing in old fonts and the fonts prescribed in the public notice are recently launched by the service providers and, thus, the petitioners could not get enough opportunity to be familiar with the same.

6. Reply by way of affidavit of Kamal Kumar, Secretary Subordinate Services Selection Board, Punjab has been filed claiming that the mandatory qualification was specifically prescribed in the public notice. Likewise procedure was clearly spelled out and thus the petitioners were fully aware that in order to claim appointment they will have to pass the Punjabi and English type test. Even the fonts were prescribed in the public notice itself. All the petitioners

participated in the type test and could not qualify the same. Thus, at this stage the petitioners could not be allowed to turn back and claim appointments merely on the merit of written examination in divorce to the result of Punjab and English typing test. It has been further asserted that the Punjab Civil Secretariat (State Service Class III 1st Amendment), Rules 2020 governing the post for which the recruitment is sought to be made make it mandatory that the candidate must qualify typing test in Punjab and English languages at a speed of 30 words per minute. Thus, any instruction contrary thereto cannot be pressed into service by the petitioners.

7. I have heard counsel for the parties and have gone through the records of the case.

8. Facts are not much in dispute. Trite it is that a candidate having participated in the selection process cannot be allowed to challenge the same after having failed. The petitioners have not been able to point out any illegality in the procedure adopted by the respondent-Board. They do not dispute their participation and their appearance in the type test. It is settled proposition of law that the selection procedure notified by the selecting agency is mandatory and cannot be allowed to be altered. Reliance can be placed upon **Shankar Mondal vs. State of West Bengal and others, 2022(2) Apex Court Judgments (SC) 205**. In view of the aforesaid facts no

ground to interfere in the present writ petition is made out.

9. Consequently, the same is ordered to be dismissed.

January 09, 2023

(PANKAJ JAIN)
JUDGE

Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No