

CWP No. 14237 of 2022 and other connected matters

2023:PHHC:144885

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 276)

(1) CWP No. 14237 of 2022
Date of Decision : 15.11.2023

Mohit Dhukia and others ...Petitioners

Versus

State of Haryana and others ...Respondents

(2) CWP No. 14372 of 2022

Sandeep Sharma and others ...Petitioners

Versus

State of Haryana and others ...Respondents

(3) CWP No. 14862 of 2022

Sanjeev Kumar ...Petitioner

Versus

State of Haryana and others ...Respondents

(4) CWP No. 15108 of 2022

Vikas Joon and another ...Petitioners

Versus

State of Haryana and others ...Respondents

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(5) CWP No. 18827 of 2022

Himanshi and another
...Petitioners

Versus

State of Haryana and others
...Respondents

(6) CWP No. 21056 of 2022

Rashmi Rajak and others
...Petitioners

Versus

State of Haryana and others
...Respondents

(7) CWP No. 15143 of 2022

Gurvinder Singh and others
...Petitioners

Versus

State of Haryana and another
...Respondents

(8) CWP No. 21198 of 2022

Rashmi Rajak and others
...Petitioners

Versus

State of Haryana and others
...Respondents

(9) CWP No. 15517 of 2022

Lata Bharti and others
...Petitioners

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State of Haryana and others

...Respondents

(10)

CWP No. 15522 of 2022

Kapil Nashier and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(11)

CWP No. 15539 of 2022

Khushbu Sharma and another

...Petitioners

Versus

State of Haryana and others

...Respondents

(12)

CWP No. 15654 of 2022

Lokesh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(13)

CWP No. 15721 of 2022

Romit and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(14)

CWP No. 15814 of 2022

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Amit Sihag and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(15)

CWP No. 15894 of 2022

Joginder Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(16)

CWP No. 16000 of 2022

Pushpdeep Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(17)

CWP No. 16049 of 2022

Rajat Gupta

...Petitioner

Versus

State of Haryana and others

...Respondents

(18)

CWP No. 16276 of 2022

Rohit Kumar and another

...Petitioners

Versus

State of Haryana and others

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...Respondents

(19) CWP No. 16644 of 2022

Vishesh and another

...Petitioners

Versus

State of Haryana and others

...Respondents

(20) CWP No. 17211 of 2022

Vikas Saini and another

...Petitioners

Versus

State of Haryana and others

...Respondents

(21) CWP No. 19525 of 2022

Devashish Manjhu and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(22) CWP No. 19598 of 2022

Deepak and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(23) CWP No. 14579 of 2022

Divesh Choudhary and others

...Petitioners

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Versus

State of Haryana and others

...Respondents

(24)

CWP No. 14584 of 2022

Vikram and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(25)

CWP No. 15354 of 2022

Jaswinder Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Madan Pal, Advocate
Mr. Abhinav, Advocate and
Ms. Neeraj, Advocate for the petitioners
in CWP-14237-2022, CWP-21056-2022, CWP-21198-2022,
CWP-14579-2022, CWP-14862-2022 and CWP-19598-2022

Mr. V.D. Sharma, Advocate for the petitioners
in CWP-14372-2022 and CWP-15108-2022.

Mr. Ashok Kaushik, Advocate for the petitioners
in CWP-18827-2022 and CWP-15539-2022.

Mr. Sandeep Goyal, Advocate for the petitioners
in CWP-14584-2022, CWP-15894-2022, CWP-15522-2022,
CWP-15814-2022, CWP-15654-2022, CWP-15517-2022,
CWP-16049-2022 & CWP-16644-2022.

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Mr. Aashish Kumar, Advocate for the petitioners
in CWP-16000-2022, CWP-16276-2022 and
CWP-17211-2022.

Mr. Nishant Sehgal, Advocate for
Mr. Karanjeet Singh Brar, Advocate for the petitioners
in CWP-15354-2022.

Mr. P.S. Jammu, Advocate for the petitioners
in CWP-15721-2022.

Mr. Amit Laller, Advocate for the petitioners
in CWP-19525-2022.

Mr. Ramandeep Singh Pandher, Advocate for the petitioners
in CWP-15143-2022.

Mr. Tapan Kumar Yadav, Deputy Advocate General,
Haryana.

Mr. Govind Tanwar, Advocate for
Mr. Kanwal Goyal, Advocate for the respondent-HPSC.

Mr. Tarang Goyal, Advocate for respondent No. 3
in CWP-15721-2022.

Harsimran Singh Sethi J. (Oral)

1. By this common order, a bunch of writ petitions, the details of which have been given in the heading, are being decided as all these petitions involve the same question of law on similar facts.

2. In this bunch of petitions, the challenge is to the action of the selecting agency for treating the petitioners, who are having the qualification of B.Sc. Agriculture, as ineligible to be considered for the post of Agricultural Development Officer.

3. It may be noticed that as per the advertisement, the requisite qualification to be eligible to compete for the post of Agricultural Development Officer (Administrative Cadre) is B.Sc. (Honours) in Agriculture from any recognized University. As the petitioners did not have the said degree of B.Sc. (Honours) in Agriculture, they were treated ineligible to compete for the post in question. The main ground to raise challenge to the ineligibility by the petitioners is that as per the UGC recommendations, the qualification of B.Sc. Agriculture as well as B.Sc. (Honours) in Agriculture should be treated same/equivalent, hence, as the petitioners have equivalent qualification as compared to B.Sc. (Honours) in Agriculture, the petitioners should be treated eligible so as to compete for the post in question.

4. In the reply filed by the respondents, the respondents have stated that as per the Rules governing the service i.e. Haryana Subordinate Agriculture (Group-C) Service Rules, 1993 for appointment to the post of Agricultural Development Officer, minimum qualification required for direct recruitment is B.Sc. (Honours) in Agriculture from a recognized University and further that a re-commendation has come from an Expert Committee constituted by the Department that degree of B.Sc. Agriculture done from Chaudhary Charan Singh University, Meerut is not equivalent to B.Sc. (Honours) in Agriculture, hence, the petitioners cannot be treated as eligible for the post in question.

5. Learned counsel for the petitioners concede the factum that as per the Rules governing the service, only the candidates with degree of B.Sc. (Honours) in Agriculture are eligible and not simple degree of B.Sc. Agriculture and till the Rules are amended either by the Government or are challenged by the petitioners in any manner to include the qualification of B.Sc. Agriculture in the Rules, the petitioners cannot succeed.

6. Faced with this situation, learned counsel for the petitioners submit that till the qualifications are modified in the 1993 Rules, which amendment the petitioners are claiming on the basis of recommendation of the UGC, the petitioners cannot be treated eligible, hence, the petitioners intend to challenge the 1993 Rules so as to redress their grievances in order to become eligible to compete for the post in question, hence, the present petitions may kindly be disposed of having been not pressed any further with liberty to the petitioners to challenge the 1993 Rules.

7. Ordered accordingly.

8. At this stage, learned counsel for the petitioners submit that the petitioners have already participated provisionally for the post in question under the interim orders of the Court and the said record of provisional participation be preserved till the petitioners challenge the Rules in order to claim the eligibility.

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9. Keeping in view the facts mentioned here-in-before, the Commission is directed to preserve the record relating to the provisional participation of the petitioners in the selection process and the same may not be destroyed till any order is passed by the Competent Court of Law.

10. A photocopy of this order be placed on the files of other connected cases.

November 15th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No