

**In the High Court of Punjab and Haryana, at Chandigarh**

**1. Civil Writ Petition No. 23684 of 2022 (O&M)**

Amarinder Singh Gill  
... Petitioner(s)

Versus

The State of Punjab and Others  
... Respondent(s)

**2. Civil Writ Petition No. 23664 of 2022 (O&M)**

Umesh Sharma and Others  
... Petitioner(s)

Versus

State of Punjab and Others  
... Respondent(s)

**3. Civil Writ Petition No. 25654 of 2022 (O&M)**

Kanwalpreet Singh and Others  
... Petitioner(s)

Versus

State of Punjab and Others  
... Respondent(s)

**4. Civil Writ Petition No. 26031 of 2022 (O&M)**

Krantipal Singh  
... Petitioner(s)

Versus

State of Punjab and Others  
... Respondent(s)

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**5. Civil Writ Petition No. 26036 of 2022 (O&M)**

Prabhjinder Singh and Another

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

**AND**

**6. Civil Writ Petition No. 30355 of 2022 (O&M)**

Kiranjot Kaur and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

**RESERVED ON: 28.04.2023  
PRONOUNCED ON: 01.06.2023**

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Rajesh Kumar Dhankar, Advocate  
for the petitioner (In CWP-23684-2022).

Mr. S.K.Liberhan, Advocate  
for the petitioners (In CWP-23664-2022).

Mr. R.A.Sheoran, Advocate  
for the petitioners (In CWP-25654-2022, CWP-26031-2022  
and CWP-26036-2022).

Mr. Viren Sibal, Advocate  
for the petitioners (In CWP-30355-2022).

Mr. R.S.Pandher, Senior Deputy Advocate General,  
Punjab.

Mr. D.S.Bhinder, Advocate  
for Mr. Birinder Pal, Advocate  
for the respondent No.4 (In CWP-23684-2022) and  
for the respondent No.7 (In CWP-23664-2022).

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Mr. Surinder Pal Singh Tinna, Advocate  
for the respondent No.5 and 6 (In CWP-23684-2022).

**Anil Kshetarpal, J.**

1. A batch of six identical writ petitions involving the two different issues for adjudication, however, arising from the same recruitment notices, as agreed to by the learned counsel representing the parties is being disposed of.

2. The two issues which require adjudication is:-

1. Whether the candidates for the post of Veterinary Officers are required to be registered with the Punjab State Veterinary Council before the cut-off date i.e. 25.07.2022?
2. Whether it is appropriate for the Court to exercise its writ jurisdiction and issue a direction to reduce the minimum cut-off marks, which were initially notified in the recruitment notice, based on subsequent decision by the Punjab Public Service Commission to lower the minimum cut-off marks?

3. In order to grasp the pivotal issues which require adjudication, the relevant facts, in brief, are required to be noticed. A recruitment notice was issued on 18.11.2021 to invite the applications to recruit 353 Veterinary Officers in the State of Punjab. The cut-off date was 10.12.2021. After some time, the Punjab Public Service Commission received a communication to reduce the number of posts, however, by a corrigendum/addendum dated

18.07.2022, the number of posts were increased to 418 posts. By publishing

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the addendum, 25.07.2022 was made the cut-off date to assess the minimum eligibility, whereas, the last date for submission of the application was 26.07.2022. On the basis of the online applications, the petitioners were permitted to sit in the written examination. All the candidates who secured more than the cut-off marks were asked to upload all the documents that were the proof of their eligibility. In as many as four writ petitions, the petitioners have been declared not qualified as they are not registered with the Punjab State Veterinary Council before the cut-off date which is a necessary requisite. In two writ petitions, the grievance of the petitioners is that despite subsequent decision of the Punjab Public Service Commission dated 15.02.2022 to reduce the requirement of the minimum cut-off marks by 5% for various categories, the selection has been made on the basis of criteria which was notified initially in the recruitment notice.

4. Heard the learned counsel representing the parties, at length and have gone through the written arguments submitted by the learned counsel representing the parties and also the paper-books of the various writ petitions.

5. On the one hand, the learned counsel representing the petitioners in the Civil Writ Petition No. 23684 of 2022, Civil Writ Petition No.23664 of 2021 and Civil Writ Petition No.26031 of 2021, contends that the petitioners have wrongly been held to be not qualified as they applied for the transfer of registration from their respective States to the Punjab Veterinary Council before the cut-off date. It is also contended that before the interview took place, most of the petitioners were registered with the Punjab Veterinary Council. The learned counsel relies upon the judgment

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*No. 53094 of 2007, decided on 15.04.2010) and Amit Singh and Another v. State of Haryana and Others (Civil Writ Petition No. 15315 of 2019, decided on 18.05.2022)* wherein it was held that once the registration certificate is granted, it should have retroactive effect from the date of application and not from the date of issuance. It is irrelevant as to when was the same was applied for as long as it was applied before the cut-off date. Though, a Letters Patent Appeal is pending before the Division Bench, however, no stay has been granted in the same.

6. Mr. Viren Sibal, learned counsel representing the petitioners in Civil Writ Petition No. 30355 of 2022 contends that once a conscious decision has been taken by the Punjab Public Service Commission on 15.02.2022 to reduce the cut-off for interviewing the candidates belonging to the general category from 45% to 40%, and 40% to 35% for the candidates belonging to the scheduled caste category, then the Punjab Public Service Commission has erred in rejecting the petitioners' candidature.

7. On the other hand, the learned State counsel while filing the synopsis contends that the cut-off date for assessing the eligibility of the candidates is 25.07.2022 and hence, mere submission of the application for the transfer of the registration or any other application would not make the petitioners eligible to compete for the post.

8. The learned counsel representing the private respondents, while supporting the learned State counsel, submits that the cut-off date for assessing the eligibility is required to be followed. He relies upon the judgment passed in *Anjana Bhaskar v. State of Punjab and Others (Civil*

18.03.2019) and *Dr. Raghav Sawal v. State of Punjab and Others (Civil Writ Petition No. 5801 of 2012, decided on 30.08.2012)*.

9. At the outset, it is significant to note that the second issue that arises for consideration has already been decided by this Bench in *Ankush Kumar and Others v. State of Punjab and Others (Civil Writ Petition No. 25463 of 2022, decided on 27.01.2023)*.

10. The Bench now proceeds to discuss the first issue. It is evident from the bare reading of the Clause (4) of the recruitment notice that the registration with the Punjab Veterinary Council is one of the essential qualification for being considered to the post in question. While filing the reply, the State has contended that the essential qualifications laid down are in accordance with the Punjab Animal Husbandry Group (‘A’) Service Rules, 2021 (hereinafter referred to as “the 2021 Rules”).

11. It may be noted that the State of Punjab has notified the 2021 Rules. The item No.5 of Appendix A to the aforesaid Rules reads as under:-

| “Appendix ‘B’<br>(See rule 6) |                         |                              |                                                    |                                                                |           |    |
|-------------------------------|-------------------------|------------------------------|----------------------------------------------------|----------------------------------------------------------------|-----------|----|
| Serial No.                    | Designation of the post | Percentage of appointment by | of Qualification and experience for appointment by |                                                                |           |    |
|                               |                         | Direct appointment           | Promotion                                          | Direct appointment                                             | Promotion |    |
| 1                             | 2                       | 3                            | 4                                                  | 5                                                              | 6         |    |
| I-ADMINISTRATIVE CADRE        |                         |                              |                                                    |                                                                |           |    |
| 1.                            | XX                      | XX                           | XX                                                 | XX                                                             | XX        | XX |
| 2.                            | XX                      | XX                           | XX                                                 | XX                                                             | XX        | XX |
| 3.                            | XX                      | XX                           | XX                                                 | XX                                                             | XX        | XX |
| 4.                            | XX                      | XX                           | XX                                                 | XX                                                             | XX        | XX |
| 5.                            | Veterinary Officer      | Hundred percent              | --                                                 | (i) Should possess Bachelor’s Degree in Veterinary Science and | --        |    |

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*Animal  
Husbandry  
from a  
University  
recognized by  
the Veterinary  
Council of  
India; and (ii)  
should be  
registered  
with the  
Punjab  
Veterinary  
Council.”*

12. Thus, it is evident that for the direct appointment to the post of Veterinary Officer apart from possessing the Bachelor’s Degree in Veterinary Science and Animal Husbandry from a University recognized by Veterinary Council of India, the candidate is also required to be registered with the Punjab Veterinary Council. In the recruitment notice issued on 10.06.2022 under Clause 4.2, the requirement of second part of item No.5 of Appendix ‘A’ has been reproduced above. There is no challenge to the correctness of the aforesaid service rules. In the absence thereof, the candidates before applying to the post are required to fulfill the essential qualifications which includes registration with the Punjab Veterinary Council before the cut-off date i.e. 25.07.2022. Though the petitioners have challenged the correctness of the public notice dated 04.10.2022, which was issued to publish the list of candidates whose documents were found to have discrepancies during the scrutiny process. However, there is no challenge to the correctness of the rules or terms mentioned in the recruitment notice. In the absence thereof, the conditions stipulated in the recruitment notice will govern the recruitment process. In the recruitment notice issued on 18.11.2021 itself, it has been provided that the registration of their names with the Punjab

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Veterinary Concil shall be necessary before the cut-off date.

13. The learned counsel representing the petitioners has heavily relied on the judgment in *Dr. Ravi Parkash Dwivedi's case (supra)*. This Court has carefully read the judgment passed by the Division Bench of the Allahabad High Court. In that case, the petitioner was, initially registered as a Veterinary Surgeon in the State of Uttar Pradesh. However, on his selection as a Veterinary Medical Officer in the State of Jharkhand, he got his registration certificate transferred from the State of Uttar Pradesh to the State of Jharkhand. The petitioner also filed an application for amendment of the writ petition in order to challenge the sanctity of the Rule 8(2) of the U.P. Veterinary Group-B Service Rules, 1998. The Court, on the basis of the interpretation of the rules, also found that the petitioner is entitled to be treated as a duly qualified and registered Veterinary Practitioner in the peculiar facts of the case. Hence, the aforesaid judgment does not help the case of the petitioners. The learned counsel has also relied upon the judgment passed in *Amit Singh's case (supra)*. Firstly, the aforesaid judgment has not attained finality as the appeal is still pending. Secondly, the Court, while relying upon the judgment passed in *Saroj Bala v. State of Haryana and Others (Civil Writ Petition No. 9198 of 2015, decided on 14.09.2018)*, held that if the candidate has completed the diploma examination on or before the last date of examination and the result of the examination is also published before the cut-off date and the candidate's success in the diploma course is brought to the notice of the Selection Committee before the completion of selection, then, the candidate should be treated as eligible. The facts in this case are also clearly distinguishable.

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14. In *Anjana Bhaskar's case (supra)*, the identical writ petitions were dismissed. Similar view was reiterated in *Dr. Raghav Sawal's case (supra)*. Therefore, the contentions of the learned counsel representing the petitioners in the four writ petitions lack merit.

15. With reference to the second issue, it may be noted that on the day the recruitment notice was issued, the minimum cut-off marks for recruitment was 45% in the written examination with relaxation of 5% for the candidates of Scheduled Caste and Backward Class of Punjab. Though, the Commission after the issuance of the recruitment notice decided to grant relaxation of 5% in the minimum cut-off marks in the competitive examination, however, the commissioner decided to complete the selection based on the previous decision which was prevalent at the time when the recruitment notice was issued. These kind of matters are in the realm of the policy decisions of the State or the Public Service Commission. Though, vide decision dated 15.02.2022 the minimum benchmark of marks was reduced for all categories by 5%, however, the petitioners cannot insist on grant of benefit of the aforesaid decision particularly when the recruitment process had already started. In fact, in *Ankush Kumar's case (supra)*, the identical writ petition was dismissed.

16. While issuing a writ of certiorari, it is well established that the scope of judicial review is limited in the matters of policy decisions unless it can be proven that the decision is arbitrary or in violation of law, the Court is not expected to interfere.

17. Keeping in view the aforesaid facts and discussion, the result is inevitable. All the writ petitions are dismissed.

18. The miscellaneous application(s) pending, if any, in all the writ petitions, shall stand disposed of.

(Anil Kshetarpal)  
Judge

June 01, 2023  
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No