

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CWP-25463-2022

Date of decision: 27.01.2023

ANKUSH KUMAR AND ORS.

..Petitioners

Versus

STATE OF PUNJAB AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sushil Sheoran, Advocate
for the petitioners.

Mr. Vikas Arora, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

The petitioners are the candidates for recruitment to the post Veterinary Officer in the Department of Animal Husbandry, Fisheries and Dairy Development vide recruitment notice dated 18.11.2021. They assail the correctness of Clauses 6.8.1 and 6.8.2 of the aforesaid recruitment notice which reads as under:-

6.8.1 Candidates not more than two times the number of posts (in their order of merit of written examination) who have scored a minimum of 45 percent marks in written examination (40% for candidates of Scheduled Castes of Punjab and Backward Clases Punjab) shall be short-listed for appearing in the interview. However, this number shall be subject to variation if two or more candidates at the bottom of this list (the number at the end) get equal marks. In such case, then all of them shall be considered for appearing in the Interview (subject to eligibility), warranting the corresponding increase in the stipulated ration.

6.8.2 No candidate shall be eligible to be shotlisted for interview unless he/she obtains 45% marks in the competitive examination (read 40% for the candidates belonging to Schedules Caste of Punjab and Backward Classes of Punjab) and no candidate shall be eligible to be appointed unless he/she obtains at least 45% marks in the aggregate i.e., competitive examination including interview (read 40% for the candidates belonging to Scheduled Castes of Punjab and Backward Classes of Punjab).

This Bench has heard the learned counsel representing the petitioner at length and with his able assistance perused the paperbook.

The learned counsel representing the petitioner contends that the service and recruitment of a Veterinary Officer is governed by the Punjab Animal Husbandry (Clause I) Service Rules, 1996. He submits that either in the service rules or in any instructions, it is nowhere provided that the candidates who have secured a minimum of 45% marks in the written examination (40% for the candidates of Scheduled Castes of Punjab and Backward Classes of Punjab) shall be short-listed for appearing in the interview. He further submits that in fact the service rules do not provide for holding of written examination. While elaborating he submits that the aforesaid recruitment is being made in violation of the rules.

From the reading of Clause 6.8.1 and 6.8.2, it is evident that for the purpose of inviting the candidates for interview, scoring minimum marks in the competitive examination have been made a requisite. It is also evident that this provision has been made to shortlist the candidates for appearing in the interview. The learned representing the petitioner has failed to draw the attention of the Court to the service rules which debars the recruiting agency to make a provision for shortlisting the candidates for interview.

As regards the argument of the learned counsel representing the petitioner that conducting the written examination for the purpose of recruitment to the post of Veterinary Officer is not provided in the rules that govern the recruitment process, it may be noticed that once the service rules are silent on a particular aspect, the executive powers of the State Government as provided under Article 162 of the Constitution of India enables the executive to evolve a method of selection of the candidates.

Hence, no ground to issue the writ as prayed for by the petitioner, is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

January 27th, 2023

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*