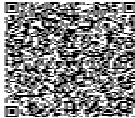


2024:PHHC:113384-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 14679 of 2024(O&M)
Date of Decision:02.09.2024

Ranjit Singh and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Petitioners in person.

Mr. R.S.Pandher, Sr. DAG., Punjab.

Mr. Abhishek Kumar, Advocate
for applicant (in CM-10219-CWP of 2024) (through video
conferencing).

LISA GILL, J(Oral).

1. Prayer in this writ petition is for setting aside/quashing selection proceedings carried on by the State of Punjab purportedly in compliance of decision dated 30.04.2024 by Coordinate in CWP No. 6819 of 2023, titled ‘Parvinder Singh and others Vs. State of Punjab and others’, on 30.04.2024, specifically, holding of the eligibility test for Punjabi language.

2. Brief facts necessary for adjudication of the matter are that CWP No. 6819 of 2023 along with four other writ petitions were filed by candidates who had applied for appointment to the posts (5994 posts of

ETT) as advertised on 12.10.2022. It was prayed therein that Punjab Civil Services (General and Common Conditions of Service) (First Amendment) Rules, 2022 notified on 28.10.2022, whereby passing of Punjabi Qualifying Test was made mandatory for appointment to posts in Group-C only, while exempting Group-A, B and D was violative of Article 15 and 16 of the Constitution of India having no intelligible differentia or rationale and no nexus with the objective to be achieved. It was further submitted that advertisement dated 12.10.2022 was unsustainable and that corrigendum dated 01.12.2022, whereby amended rules applied retrospectively to advertisement dated 12.10.2022 should be set aside.

3. Coordinate Bench while adjudicating CWP No. 6819 of 2023 found that there is neither any lack of legislative competence nor any violation of fundamental rights of candidates with the framing of rules. However, it was found that examination being conducted by the respondents based on the syllabi for qualifying Punjabi test/exam was contrary to the provisions, therefore, liable to be struck down, being beyond the ambit of applicable rules. Relevant portion of order dated 30.04.2024 reads as under:-

“37. The examination conducted by the respondents based on the syllabus as above, is found to be contrary to the provisions and, therefore, the same is liable to be struck down as the same is beyond competence of the Rule. The respondents have failed to consider the difference between Punjab and Punjabi language and to the said extent, the contentions raised by the petitioners have also not been answered by the respondents.

38. We accordingly uphold the amendment in Section 17 of the Rules 2022, carried out vide notification dated 28.10.2022 and also uphold the revised letter dated 01.12.2022, whereby advertisement was amended but we set aside the syllabus Annexure P/18 of Paper-1 for Punjabi language as also the consequential exam of Punjabi language and direct the

respondents to conduct a fresh Punjabi language examination based on knowledge of Punjabi alone. The said test may be conducted for all the candidates now within a period of three months and further selection process under the advertisement may be continued and concluded thereafter at the earliest within a period of six months. The interim order passed by the Court earlier shall accordingly stand vacated.

39. In view of the above, the writ petitions are disposed of in the aforesaid directions.”

4. Present writ petition has been filed by candidates, who had participated in the examination. It is their case that in case a candidate has to be assessed in the language of Punjabi in terms of decision dated 30.04.2024, assessment should have been carried out on the basis of the grammar part of the examination already conducted and in any case, the syllabi notified subsequently and question paper of the exam conducted subsequently would show that syllabi for the exam of qualifying test is in clear cut violation of order dated 30.04.2024.

5. Reply by way of affidavit dated 01.09.2024 of Mr. Harpreet Singh, Assistant Director, Education Recruitment Directorate, Department of School Education, Punjab, SAS Nagar Mohali, on behalf of respondents no.1 to 3, with a copy thereof to petitioners, furnished in Court today is taken on record subject to just exceptions.

6. Mr. Shekhar Kumar (petitioner no.3), who has addressed arguments on behalf of all the petitioners submits that though petitioners have qualified in the subsequent examination which has been held in compliance of decision dated 30.04.2024 (Qualifying Examination of Punjabi), they are aggrieved by holding of this examination inasmuch as they are being subjected to a much wider competition which is absolutely unfair and uncalled for. It is asserted that entire exercise being carried out by

the State in conducting the paper yet again, is absolutely illegal and arbitrary and assessment of Punjabi language could very well have been carried out from the Grammar Part i.e., Part-A of the Punjabi Examination for 20 marks, which has already been held. Petitioners, it is contended are being made to compete with candidates who would otherwise not have been eligible to participate in the examination. It is further submitted that in any case syllabus as notified after passing of order dated 30.04.2024, is not in compliance of the said order. Therefore, this writ petition should be allowed.

7. Learned counsel for respondent-State *per contra* submits that it is in compliance of order dated 30.04.2024 passed in CWP No. 6819 of 2023 and other writ petitions that examination in question has been held. Syllabus for examination was prepared by State Council for Educational Research and Training (S.C.E.R.T) Punjab. It is submitted that as per the subject experts, syllabus has been crafted to assess knowledge of the candidates in Punjabi language, script and grammar and is in complete consonance and compliance of order dated 30.04.2024 in CWP No. 6819 of 2023. It is thus prayed that this writ petition be dismissed.

8. We heard the petitioners, particularly Mr. Shekhar Kumar (petitioner no.3) who addressed on behalf of all the petitioners as well as learned counsel for respondent-State.

9. Present writ petition has been filed by candidates who had participated in the selection process and had taken the qualifying examination of Punjabi. Petitioners had not challenged the selection process or the syllabi in question. They were not parties to CWP No. 6819 of 2023 and other connected petitions. Decision dated 30.04.2024 in CWP No. 6819 of 2023, whereby respondents were directed to conduct a fresh Punjabi Language Examination based on knowledge of Punjabi, is a matter of

record. In compliance of the said order, test in question has since been conducted by the respondents. Petitioners in the present writ petition, in a manner, seek to challenge order dated 30.04.2024 while submitting that there is no necessity of conducting a fresh test and assessment could have been carried out on the basis of the grammar portion of the exam earlier conducted. Evidently, there is no merit in the said argument inasmuch as it is not open to petitioners to indirectly challenge order dated 30.04.2024 passed by Coordinate Bench in this manner. We do not find any merit in the argument raised by petitioners that by virtue of holding examination of the qualifying paper yet again, they shall be subjected to wider competition, therefore, interference should be caused. This argument is thus rejected being devoid of any merit.

10. Petitioners further seek to raise the edifice of their arguments on the foundation that exam conducted now is in complete violation of order dated 30.04.2024 being quite akin to the earlier one. This argument is again of no avail to petitioners. Admittedly, petitioners were not aggrieved of the earlier syllabus which has been set aside by the Coordinate Bench. Moreover, in case of any violation of order dated 30.04.2024, the remedy clearly lies elsewhere. Thus, on any score, we find no ground whatsoever to interfere in this matter.

11. It is to be reiterated that petitioner no.3 has repeatedly urged that petitioners are being unnecessarily and illegally made to compete with persons/candidates who would not have been eligible and that arena of competition has unnecessarily been increased by way of holding the examination yet again. As stated in the foregoing paras, wider competition by no stretch of imagination can be a ground for interference. Moreover, the examination has been conducted in compliance of order dated 30.04.2024

passed in CWP No. 6819 of 2023, which is not subject to challenge and is informed to have attained finality.

12. Keeping in view the factual matrix of the case, we do not find any ground for interference in present proceedings initiated by present petitioners for setting aside selection process being carried on by the State of Punjab in compliance of decision dated 30.04.2024 by Coordinate Bench in CWP No. 6819 of 2023.

13. No other argument has been raised.

14. Writ petition is accordingly dismissed with no order as to costs. Pending application(s), if any, stand(s), disposed of accordingly.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

September 02, 2024.
s.khan

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