

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 25.01.2024

1. CWP No.30238 of 2019(O&M)

Rajesh Kumar Bagga and othersPetitioners
Vs
Union of India and othersRespondents

2. CWP No.34136 of 2019(O&M)

Sunil KumarPetitioner
Vs
State of Haryana and othersRespondents

3. CWP No.33371 of 2019(O&M)

Satish Kumar and othersPetitioners
Vs
Punjab and Haryana High Court and othersRespondents

4. CWP No.33433 of 2019(O&M)

Devender Goyal and othersPetitioners
Vs
Punjab and Haryana High Court and othersRespondents

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. S.K. Yadav, Advocate for
Mr. Naveen Singh Panwar, Advocate
for the petitioners in CWP No.30238 of 2019.

Mr. Tushar Wadhwa, Advocate for
Mr. Sanjiv Gupta, Advocate
for the petitioner(s) in CWP Nos.33433 and 33371 of 2019.

Mr. Shobit Phutela, Sr. Panel Counsel
for Union of India in CWP No.30238 of 2019.

Mr. Rajeev Anand, Advocate
for respondents No.1 and 2 in CWP No.33371 of 2019
for respondents No.2 and 3 in CWP No.34136 of 2019 and

for respondent No.3 in CWP No.30238 of 2019.

Mr. Kanwal Goyal, Advocate and
Mr. Govind Tanwar, Advocate
for respondents No.1 and 2 in CWP No.30238 of 2019.

Ms. Mamta Singla Talwar, DAG, Haryana.

G.S.SANDHAWALIA, J.(Oral)

[1]. Vide this common order, the aforementioned writ petitions are disposed of.

[2]. Challenge herein is made to the condition of qualification mentioned in Rule 11 (bb) of Haryana Superior Judicial Service Rules, 2007, which was the requisite requirement for the advertisement (Annexure P-2) for the process, which was set in motion on 07.08.2019.

[3]. It is not disputed that the said process has already been completed and fresh advertisement has also been issued. In CWP No.30238 of 2019, out of five petitioners, petitioners No.1, 3 and 5 have already been appointed as Additional District and Sessions Judge in different States. Therefore, the writ petition has been rendered infructuous qua them. It is also informed that the said process stands duly completed for the advertisement in question and therefore, the petitioners's grouse as such that the criteria fixed of being an income tax assessee for the last three assessment years preceding the date of application having gross professional income of not less than rupees five lakhs per annum and requirement of having conducted 50 cases in the preceding three years, cannot be held to be arbitrary in any manner. The rule is salutary in view of judgment of the Apex Court in **Deepak Aggarwal Vs. Keshav Kaushik and**

others, (2013) 5 SCC 277. Fresh advertisement has already been issued on 15.11.2023 for filling up the vacancies in the cadre of Haryana Superior Judicial Service and the petitioners are thus free to apply for the same if they are eligible. It is even to be noticed that four years period has gone by and the petitioners should now not been able to get the requisite number of cases on board and also should have filed income tax returns so that they are liable to be considered for the post of Additional District Judge.

[4]. In the peculiar facts and circumstances of the case, we are of the considered opinion that in the absence of any interim order in their favour at the initial stage, the matter is not required to be gone into for further consideration. Needless to say that the observations made hereinabove are only for the purpose of disposing of the writ petitions as the same have apparently become infructuous. Even in CWP No.33371 of 2019, the application for appearing in 2023 process was withdrawn with liberty to file a fresh petition on the same cause of action.

[5]. Accordingly, the writ petitions are disposed off having been rendered infructuous.

[6]. A photocopy of this order be placed on the files of connected cases.

(G.S. SANDHAWALIA)
JUDGE

(LAPITA BANERJI)
JUDGE

25.01.2024

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No