

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 110

Civil Writ Petition No.30654 of 2024 (O & M)**Date of Decision: December 05, 2024**Jyoti

..... PETITIONER(S)

*VERSUS*State of Haryana & others

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**PRESENT:** - Mr. Akashdeep Singh, Advocate, for the petitioner.Mr. R.S. Budhwar, Additional Advocate General,
Haryana.

Mr. Amit Rao, Advocate, for the respondent-University.

Tribhuvan Dahiya, J (Oral)**CM No.19731-CWP of 2024**

Application is allowed.

Copy of Recruitment Rules is taken on record as Annexure

P-9.

Main Case

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to grant annual increments and other consequential benefits to the petitioner, who is working as Store Keeper in the respondent-University, pursuant to letter of appointment dated 06.07.2020, Annexure P-1.

2. Learned counsel for the petitioner contends that having been appointed as aforementioned, the petitioner joined service on 12.07.2022, but has not been granted any annual increment. Her claim to that effect has been rejected vide impugned order, dated 01.10.2024, on the ground that she has



failed to qualify the test of computer skills/Data Entry at the speed of thirty words per minute. The ground of rejection is not sustainable since there is no stipulation in the appointment letter requiring her to clear the test for getting annual increment, and it cannot be withheld for not clearing the same.

3. Learned counsel for the respondent-University, appearing on advance notice, contends that the petitioner was appointed on compassionate grounds without clearing the qualifying test of Data Entry as required under the 'Recruitment Rules (Pt. B.D. Sharma, University of Health Sciences, Rohtak)', approved by the government on 27.06.2017. In terms therewith, requisite qualification for the post of Clerk-cum-Store Keeper is, *(ii) Candidate will also have to qualify a test of data entry at the speed of 30 wpm/ computer skills (including use of internet & E-mail) as may be prescribed by the competent authority.* Since the petitioner has not qualified the test so far, the increments have been withheld. The same will be released to her from the date of appointment once the test is cleared.

4. Heard.

5. The undisputed facts on record are that the petitioner was appointed as Store Keeper on compassionate grounds, and did not qualify the Data Entry test at the time of appointment which was an essential requirement in terms of the Rules. No exemption from clearing the test was granted to her at any stage. To hold the post every candidate is required to possess the essential qualifications in terms of the Rules. In case the petitioner was initially appointed without clearing the test due to the nature of appointment being compassionate, that cannot be considered to be a waiver for all times to come. Accordingly, the respondents are within their rights to insist upon her



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clearing the test in terms of the Rules regulatings service before granting annual increments. They have also undertaken that the due increments will be released to the petitioner from the date of appointment once the test is cleared.

6. In view thereof, there is no ground to entertain the petition.
7. Dismissed *in limine*.

(Tribhuvan Dahiya)
Judge

December 05, 2024
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No