

Most Urgent

No. 42/56/2018-5GS1

From

The Chief Secretary to Government of Haryana

To

1. The Secretary,
Haryana Public Service Commission,
Sector-4, Panchkula
2. The Secretary,
Haryana Staff Selection Commission,
Sector-2, Panchkula


Dated Chandigarh the, 6th March, 2018

Subject: - LPA No. 06 of 2018 in CWP No. 26260 of 2016-Iqbal Singh Dhillon & others Vs. State of Punjab & others. Direction of State of Punjab, Haryana & U.T. Chandigarh.


Sir,

I am directed to invite your attention on aforesaid cited subject and to say that Hon'ble Division Bench of the Punjab & Haryana High Court has passed certain directions that in all advertisements issued by the States Govt. or any of its agencies, for the purposes of inviting the applications for recruitments to various posts under the States, shall clearly mention the rules applicable to the said posts, the qualifications required for the same and also mention the link of the website or the source from where any prospective candidate can obtain copy of relevant rules. Additional Advocate General, Haryana has requested to take necessary action and pass suitable directions to the relevant authorities to ensure compliance with the same.

2. Accordingly, the copy of the orders dated 09.01.2018 passed by Hon'ble Punjab & Haryana High Court and a copy of D.O. received from Sh. Samarth Sagar, AAG is hereby sent to you and requested to comply the orders in letter and spirit under intimation to the Advocate General, Haryana as well as the Government.


Superintendent General Services-I
For Chief Secretary to Government Haryana

A copy is forwarded to the following for information and necessary action please.


Superintendent General Services-I
For Chief Secretary to Government Haryana

To

1. All the Administrative Secretaries to Government Haryana.
2. All Heads of the Department and all the Divisional Commissioners in the State of Haryana.
3. All Deputy Commissioners in the State of Haryana
4. All Managing Directors of Boards/Corporations in the State of Haryana
5. Registrar of all Universities in Haryana.

U.O. No. 42/56/2018-5GS1

Dated 6th March, 2018

113 (4 Cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.6 of 2018 (O&M) in
CWP No.26260 of 2016
Date of Decision: 09.01.2018.

Iqbal Singh Dhillon and others

...Appellants

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B.S. WALIA**

Present:- Mr. Hari Chand Arora, Advocate and
Mr. R.Kartikeya, Advocate
for the appellants.

Rajesh Bindal, J.

This order shall dispose of LPA Nos.6, 7, 8 and 22 of 2018, as common question of law and facts are involved.

Appeals have been filed from a common judgment of the learned Single Judge.

The only grievance raised in the present Letter Patent Appeals filed by the appellants against the judgment of learned Single Judge is that the appellants who had passed one year diploma in Computer Application from Private Institutes, who were claiming themselves to be 'ISO-9001 certified' be also considered for the post of Panchayat Secretaries, for which, the required qualification is one year diploma course in Computer Application from Govt. recognized institute.

Once, the government is accepting the qualification obtained from these institutues for other posts, the candidates for the post of Panchayat Secretary should not be discriminated.

Appendix-B to Punjab Panchayat Secretaries (Recruitment and Conditions of Service) Rules, 2013, clearly mention one of the qualifications required for the post of Panchayat Secretary i.e. 'One year diploma course in Computer Application from Government recognized institute'. It could not be pointed out by learned counsel for the appellants that any of the institutes from which they have obtained one year diploma course is recognized by the government. They are only claiming to be 'ISO:9001 certified'. Hence they cannot be held eligible for the post of Panchayat Secretaries.

At this stage, learned counsel for the appellants submitted that some candidates were offered appointment, who were having one year diploma course from 'ISO:9001 certified' institutes.

In case any such instances are there, the appellants can avail appropriate remedy for the same in accordance with law.

Accordingly, the appeals are dismissed.

At this stage, learned counsel for the appellants further pointed out that not only in the advertisement in question, rather in number of advertisements issued by the State Government for recruitment to different posts, the State Government/Commissions or any other selecting body to various posts, though the qualificaiton required for the posts are mentioned, however, the relevant rules applicable for the same are not mentioned. The selections have to be made in terms of the rules laid down. The rules are to be clearly mentioned so that the candidates should have the opportunity to go through the rules as well.

LPA No.6 of 2018 (O&M) in
CWP No.26260 of 2016 (4 cases)

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Henceforth, it is directed that in all advertisements issued by the State Government or any of its Agency shall clearly mention the rules applicable for the posts prescribed, the qualification and also the link of the website or the source from where any prospective candidate can obtain copy of relevant rules.

Copy of this order be also sent to the Chief Secretaries of Punjab and Haryana and Home Secretary of Union Territory, Chandigarh, for information and compliance.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

09.01.2018
rajesh.k.khurana

Whether speaking/reasoned : Yes / No
Whether Reportable : Yes / No

BL
24/1/18

