

(2016) 08 P&H CK 0073
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 5451 of 2015

Anchal	Vs	APPELLANT
Hon'ble Punjab and Haryana High Court		RESPONDENT

Date of Decision : 17-08-2016

Acts Referred:

Citation : (2017) 1 PLR 591

Hon'ble Judges : Mr. Rajiv Narain Raina, J.

Bench : Single Bench

Advocate : Mr. Suresh Singla, Addl. A.G, Punjab, for the Respondent-State; Mr. Anand Chhibbar, Sr. Advocate with Mr. Lalit Kumar Gupta, Advocate, for the Respondent No. 1; Mr. Rajbir Sehrawat, Mr. Hittan Nehra, Mr. Sarwan Sehgal, Mr. Amit Rao, Mr. C.P Tiwana, Mr. S.

Final Decision : Disposed Off

Judgement

Rajiv Narain Raina, J. (Oral) - This order will dispose of CWP Nos.5451, 5815, 5517, 5783, 5870 and 6012 of 2015 as common questions of law and facts are involved in all these writ petitions. There is no necessity to refer to the facts of any of the cases, in view of the order proposed to be passed.

2. When some of these matters came up for motion hearing on 27th March, 2015, a coordinate Bench of this Court passed the following order:-

"The petitioners have impugned the action of the respondents in holding them dis entitled to compete for the post of Stenographers Grade III. The ground taken is that they did not have the qualification of Matriculation level knowledge of Punjabi language. The limited prayer made by the learned counsel is that in the past, even in the face of this rule, the respondents have appointed the persons who did not have Matric level knowledge of Punjabi but have imposed a condition that they will have to pass Punjabi of Matric equivalence within a certain time. The petitioners claim that they would be willing to abide by this condition but their rejection on this ground is neither fair nor logical considering

the nature of work which they are supposed to do. Notice of motion for 23.04.2015.

Dasti only. In the meantime respondents are directed to permit the petitioners to take the test provisionally.

A copy of this order be handed over dasti to learned counsel appearing for the petitioners under the signatures of the Bench Secretary.

3. On notice, the first respondent-Punjab and Haryana High Court put in its written statement. After hearing the parties, another Coordinate Bench of this Court passed the following order on 21st January, 2016:-

"Learned counsel for the petitioner(s) contends that the post in question governed by the Rules called "The Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules and as per this Rule, the candidates who possess a degree of Bachelor of Arts or Bachelor of Science or equivalent thereto from a recognised university and pass a test at a speed of 80 w.p.m in English Shorthand and 20 W.P.M in transcription of the same and have proficiency of Computer (Word Processing and Spread Sheets) will be held eligible to the appointment for the post of Steno Typist and there is no condition that candidate should have passed matric examination as punjabi one of the subject.

The impugned notice dated 24.03.2015 had been passed as the committee of this Court in its meeting held on 19.05.2015 at item No. 7 had decided that besides shorthand-cum-typing test in English Language, Shorthand-cum-Typing test in vernacular language ("Punjabi" in the State of Punjab and "Hindi" in the State of Haryana and U.T. Chandigarh for making recruitments of Stenographers in Subordinate Courts be conducted.

Learned counsel for the petitioner(s) has further informed this Court that in State of Haryana, "Hindi" up to Matric is an eligible condition for all posts in the Rules itself but there is no Rule to this effect in State of Punjab.

Learned counsel for the petitioner (s) further contends that they are ready to abide by the condition of having pass Punjabi or matric equivalence within a certain time after their appointment.

Learned counsel for respondent No. 1 seeks time to assist this Court that whether without amendment in the Recruitment Rules, the condition of having passed matriculation with Punjabi as one of the subject can be imposed.

List on 27.01.2016.

A photocopy of this order be placed on the files of connected cases."

4. The test was conducted on 28th March, 2015 and 29th March, 2015. However, the result of the petitioners was kept in sealed cover because of the interim orders. When the matters came up for hearing on 29th July, 2016 before me, I

passed the following order:-

"Result has been brought in sealed cover. It has been opened in Court. The same is taken on record. The result be uploaded on the High Court Website.

Adjourned to 8.8.2016.

Photocopy of this order be placed on the files of the connected cases.

5. It may be mentioned that vide interim order dated 2nd March, 2016, this Court had directed the first respondent to produce the result in Court on the next date of hearing in a sealed cover. On 23rd May, 2016, the first respondent took time and the matter was adjourned to 29th July, 2016 when I passed the aforesaid order on even date for uploading the result of selection of Stenographers Grade-III on the official website of the High Court.

6. Mr. Anand Chhibbar, learned Sr. Counsel appearing for the first respondent-High Court states that out of 2629 candidates who had been declared ineligible on account of not having passed the subject of Punjabi language in Matric examination, some of them have approached this Court, and the total number of petitioners in these six petitions is 105 candidates. The result has been declared and 37 candidates have qualified the test as against 269 vacancies advertised for filling up the post of Stenographers Grade-III in the subordinate courts in the State of Punjab. The names of 20 candidates have been kept in the waiting list. As a result, all candidates other than 37 candidates who are qualified and 20 candidates who are placed in the waiting list have no cause left to remedy since they have failed to make a mark. Qua them, the writ petitions stand dismissed wherever they are impleaded as petitioners in this set of cases. The first respondent will now be free to make appointments from the selected candidates but with the caveat as informed by Mr. Chhibbar in view of the decision already taken by a Committee of Hon'ble Judges that the condition of knowledge of Punjabi reflected through Matriculation examination will hold good but will be enforced in the case of the petitioners during probation i.e. they would have to demonstrate skills in Punjabi language upto Matric level to equip the appointed candidates to effectively discharge their duties and responsibilities required of Stenographer Grade-III with knowledge of Punjabi language being the State language so that the work in District Courts does not suffer, even while the language of the Court is English.

7. Accordingly, the petitions qua unsuccessful candidates are dismissed and the petitions qua successful candidates are allowed. It will be upto the first respondent-High Court in its wisdom to offer appointment to the candidates in waiting list, in view of the extreme and apparent shortage and unavailability of candidates from the open market to fill 269 vacancies which were advertised and remain unfilled. The High Court will be at liberty to strictly impose the condition of knowledge of Punjabi language upto the level of Matric to be possessed by the successful candidates and duly demonstrated after appointments are offered to them and accordingly they would obtain during the period of probation a

certificate of Matric pass in the subject of Punjabi language from recognised institution after obtaining due permission from the first respondent-High Court/ Sessions Courts to pursue the study of Punjabi language side by side, over and above the usual work which may be assigned to them. In making this statement Mr. Chhibbar relies on the administrative decision of the Committee of Hon''ble Judges recently taken, placing this rider that the candidates selected and appointed will have to pass the matriculation examination in Punjabi within one year of their joining or as deemed fit by this Court at the appropriate stage, in its wisdom and in the exigencies of service.

8. The petitions are disposed of as above.