

(1998) 11 P&H CK 0131
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1057 of 1988

Ramdhari Gram Sachiv c/o Sub Divisional Agriculture Officer and Others APPELLANT

Vs

The State of Haryana and Others RESPONDENT

Date of Decision : 02-11-1998

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (1999) 121 PLR 419

Hon'ble Judges : Iqbal Singh, J;G.S. Singhvi, J

Bench : Division Bench

Advocate : R.K. Malik, for the Appellant; Jaswant Singh, D.A.G. for Respondent Nos. 1 and 2, for the Respondent

Final Decision : Dismissed

Judgement

G.S. Singhvi, J.—The only substantive issue raised in this petition is whether the provisions contained in Appendix B appended to Haryana Development and Panchayats Department (Group C) Service Rules, 1980 under which 1/3rd of the posts of Social Education and Panchayat Officers meant to be filled by promotion have been earmarked for graduates is ultra vires to Articles" 14 and 16 of the Constitution of India.

2. We have heard Shri Malik, learned counsel for the petitioner and Shri Jaswant Singh, learned Deputy Advocate General and have perused the impugned provisions which is extracted below :-

APPENDIX-B

Serial Designation of the posts Academic qualifications and Academic qualifi- No experience, if any, for direct tion and experience recruitment. if any for appointment other than by direct recruitment. 1 2 3 4 XX XX XX STAFF POSTED IN BLOCKS 1. Social Education and 50% by direct recruit-ment i) One-third of Panchayat Officer and 50% by promotion posts by promotion from amongst

Graduate Gram Sachives having seven years experience as such i) Graduates of a recognised ii) Two-Third Num- University. This condition ber of posts by will be relaxable in case of promotion from Gram Sachives holding a amongst Matricu- diploma in Rural Service late Gram awarded by National Coun- Sachives having cil of Rural Higher Educa- four years experien- tion. ces as such. ii) Hindi upto Matric Stand- ard. iii) Two years experience of farming and certificate from the Deputy Commissioner would be necessary. 3. It appears from the record that the petitioners succeeded in convincing the Court to entertain the writ petition on the basis of decision of Supreme Court in Punjab State Electricity Board v. Ravinder Kumar Sharma 1986(4) S.V.L.R.(L) 60. However, at the time of hearing of the petition, Shri R.K. Malik frankly and fairly conceded that in view of the later decision of the Apex Court, he is not in a position to persuade the Court to hold that the impugned provisions should be declared unconstitutional.

4. Otherwise also, we are convinced that the prescription of ratio between Graduate and non-Graduate Gram Sachives for promotion to the post of Social Education and Panchayat Officer cannot be struck down on the ground of violation of the doctrine of equality embodied in Articles 14 and 16 of the Constitution of India because it is a settled principle of law that educational qualifications can constitute valid basis for providing additional avenues of promotion to a particular class of persons. In *The State of Jammu and Kashmir Vs. Shri Triloki Nath Khosa and Others*, *Mohammad Shujat Ali and Ors. v. Union of India and Ors.* AIR 1974 SC 1631 : *Roop Chand Adlakha and Others Vs. Delhi Development Authority and Others*, ; *P. Murugesan and Others Vs. State of Tamil Nadu and Others*, ; *T.R. Kothandaraman and Others Vs. Tamil Nadu Water Supply and Drainage BD and Others*, and *Rajasthan State Electricity Board Accountants Association, Jaipur v. Rajasthan State Electricity Board and Anr.* , their Lordships of the Supreme Court have upheld the rules prescribing a particular ratio of posts for promotion from amongst those who possessed higher qualifications.

5. In this case, it has not been shown by Shri Malik that the qualification of graduation has no nexus with the duties required to be performed by Social Education and Panchayat Officers. Therefore, we cannot strike down the impugned provisions on the ground that the prescription of the qualification of graduation for 1/3rd of the promotion quota posts is irrational and arbitrary.

6. For the reasons mentioned above, the writ petition is dismissed.