

(2012) 03 P&H CK 0498

In the Punjab And Haryana At Chandigarh

Case No : Letters Patent Appeal No. 420 of 2012 (O and M)

Reena Chauhan

APPELLANT

Vs

The State of Haryana and others

RESPONDENT

Date of Decision : 21-03-2012

Acts Referred:

Citation : (2012) 166 PLR 703

Hon'ble Judges : Tej Pratap Singh Mann, J; Satish Kumar Mittal, J

Bench : Division Bench

Advocate : Vivek K. Thakur, for the Appellant;

Judgement

Satish Kumar Mittal, J.—This Letters Patent Appeal has been directed against the order dated 5.3.2012 passed by the learned Single Judge, whereby the writ petition (Civil Writ Petition No. 4157 of 2012) filed by appellant Reena Chauhan for quashing the advertisement dated 9.2.2012 (Annexure P-4) issued by the State Project Director, Haryana School Shiksha Pariyojna Parishad, Panchkula (respondent No. 3 herein) for appointment to the post of Information-cum-Office-cum-Library Manager on year to year contract basis, has been dismissed. The appellant possesses the qualification of Bachelor of Library and Information Science from the Kurukshetra University. According to her, she is fully eligible and qualified for appointment on the post of Librarian in all the Colleges and Universities throughout the country. Respondent No. 3 issued the aforesaid advertisement dated 9.2.2012 inviting the applications for filling up the vacancies of Information-cum-Office-cum-Library Manager on year to year contract basis, with the following basic qualifications:

Basic Qualifications

a) Essential Qualifications:-

1. M.Sc. (Computer Science) (with at least 50% marks)

Or

Master in Computer Application (with at least 50% marks)

Or

BE/B.Tech. in Computer Science/Information Technology (with at least 50% marks)

Or

BE/B.Tech. in any stream with Post Graduate Diploma in Computer (with at least 50% marks in both)

Or

MBA and Post Graduate Diploma in Computer (with at least 50% marks in both) from recognized University.

2. Complete knowledge of Multimedia & Web Technology, Computer Science & Informatics Technology.

b) Desirable qualifications:-

1. Graduate or Post Graduate in Library Science from a recognized University.

2. B.Ed, or M.Ed. from a recognised University.

3. STET qualified (Related to 9th to 12th)

Note:- All the Degrees/Diplomas should be from recognized University/Board.

The selected candidates will have to undergo three months training after their selection. During this training selected candidates will be imparted training regarding all the three responsibilities of the job i.e. Information Management (1st), Office Management (2nd) & Library Management (3rd), which will have to be successfully completed by all the candidates. The training will be evaluated through subjective/objective examination after the training is completed.

Undisputedly, the appellant does not possess the aforesaid essential qualifications, but she possesses only desirable qualification. She challenged the aforesaid advertisement by filing the writ petition on the ground that respondent No. 3, while issuing the advertisement with the above mentioned qualifications, had acted illegally and contrary to the Rules. According to her, during the course of her acquiring the Degree of Bachelor of Library and Information Science from the Kurukshetra University, all the subjects, which have been mentioned in the advertisement in question, were taught to her, but respondent No. 3 arbitrarily and illegally, with a purpose to ignore the candidates possessing the Degree of Bachelor of Library and Information Science, issued the aforesaid advertisement, which is liable to be quashed.

2. The learned Single Judge has dismissed the writ petition, while observing as under:

So long as the advertisement was not for recruitment of persons for the post of Librarian but it is for the post of Manager dealing in the categories of Information, Office and Library, what is applicable for a Librarian cannot be understood as immediately relevant for this post also. In fact, the note accompanying the advertisement sets out some special training after the recruitment handling three responsibilities of job, namely, of Information Management, Office Management and Library Management. The desirable qualification was also that a Graduate or a Postgraduate in Library Science would be recognized among other qualifications. What is stated as desirable qualification cannot supplant the essential qualification, which the advertisement carries.

It shall be the prerogative of an employer to decide on the qualifications for the posts and there is no scope for a judicial review unless there is a mismatch between what was set through the relevant recruitment rules and the advertisement as regard the qualifications. So long as no such discrepancy exists, there is no relief that the petitioner could canvass before the Court and seeks for judicial review. The Supreme Court has held in *Union of India v. Pushpa Rani*, (2008)9 S.C.C. 242 that the Court has no role in determining the methodology of recruitment or laying down the criteria for selection.

During the course of arguments, learned counsel for the appellant again emphasised on the same point, which was raised before the learned Single Judge. In our opinion, the post of Librarian is a different post to the post which has been advertised, where the employer wants that a person to be appointed on the post, must be competent to handle the responsibilities of Information Management, Office Management and Library Management. For the said post, the qualification prescribed in the advertisement is necessary. It is also well settled, as held by the learned Single Judge on the basis of the decision of the Hon"ble Supreme Court in *Union of India v. Pushpa Rani*,¹ (2008)9 S.C.C. 242, that it is for the employer to decide regarding the qualifications for the persons to be appointed on the posts. The only requirement is that such decision should not be arbitrary and discriminatory. In the present case, the qualifications prescribed in the aforesaid terms, as mentioned in the advertisement in question, in our opinion, do not go beyond the scope and responsibilities of the required job. It cannot be said that requirement of those qualifications is arbitrary and discriminatory. Thus, we do not find any illegality in the impugned order passed by the learned Single Judge.

No merit. Dismissed.