

PETITIONER:
BASHIR AHMAD & ORS.

Vs.

RESPONDENT:
STATE OF PUNJAB & ORS.

DATE OF JUDGMENT: 22/03/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
G.B. PATTANAIK (J)

CITATION:
JT 1996 (4) 285 1996 SCALE (3)556

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

This appeal by special leave arises from the judgment and order of the High Court of Punjab and Haryana made on February 22, 1994 in CWP No.12838/93. Admittedly, the appellants had worked initially as cleaners and thereafter they were promoted as Divers in Poultry Department of the State of Punjab. Since they were found to be surplus, they were retrenched when the Government had notified for direct recruitment in the Department of Animal Husbandry, the appellants also had applied for direct recruitment. They were not selected on the ground that they did not possess the required educational qualifications. Consequently, they filed the writ petition which came to be dismissed. Thus, this appeal by special leave.

The learned counsel for the appellants has strenuously contended that this Court in C.A. No.3496 of 1990 titled B.N. Saxena vs. N.D.M.C. decided on July 25, 1990 read down the rule holding that after the initial appointments experience gained for a considerable length of time is itself a qualification for promotion and, therefore, requirement of further qualification was bad in law. He also relied upon another judgment in State of U.P. & Ors. vs. J.P. Chaurasia & Ors. [(1989) 1 SCC 121]. Relying thereon, it is contended that the rule prescribing educational qualifications as one of the qualifications for direct recruitment must be read down. So read down, since the appellants have the necessary experience, it must be construed to be a qualification for recruitment. The view taken by the High Court and recruitment authority is bad in law. We find no force in that contention. It is seen that for the direct recruitment only. The Government in the rule have prescribed driving licence and also knowledge of Punjabi language upto middle standard to be the qualification. Therefore, anyone who possesses those qualification has to be considered for recruitment. Since,

admittedly,. The appellants are not fulfilling the said criteria, the dismissal of the writ petition cannot be said to be illegal.

The appeal is accordingly dismissed. No costs .

JUDIS