

Before Ajay Tewari, J.

NARINDER SINGH—Petitioner

versus

STATE OF PUNJAB AND ANOTHER—Respondents

CWP No. 7473 of 2011

May 16, 2012

Constitution of India, 1950 - Art. 226 & 227 - Regulations for the Punjab State Accounts Service Examination (Ordinary Branch) 2005 - Reg. 4 - Entitlement of the petitioner to compete for the Punjab State Accounts Service Examination - Petitioner was appointed as a Store attendant - Whished to compete for Punjab State Account Service Examination - Authority rejected application taking the stand that examination is only open to Class III Government employees - Held, egalitarian rules are not so infrequent - Reference made to rule on the High Court establishment, whereby any employee of the High Court who is a Graduate and has two years' experience can sit in the test of a Judgment Writer - Court directed that the Petitioner is entitled to take examination if he satisfies the other requirements.

Held, that in the written statement Regulation 4 has not been disputed but it has been stated that this examination is open only to Class III Government employees. I find no warrant in this conclusion of the Rule and, therefore, reject this contention. Learned Addl. AG has also pointed to Regulation 5 under which Secretary to Government of Punjab, Finance Department reserves the authority to reject the request of any application for appearing in the examination. In my opinion even this authority cannot be unreasonable and such an authority would have the implied duty to give reasons for any such rejection. Such egalitarian rules are not so frequent. Even on the High Court establishment there is a rule whereby any employee of the High Court who is a Graduate and has two years' experience can sit in the test of a Judgment Writer. Such rules are among the few instances

in Government service where recognition is given to pure merit and they cannot be allowed to be eroded by an unintended interpretation. The petition is allowed. It is directed that the petitioner is entitled to take the examination in question if he satisfies the requirement of Annexure R-4.

(Paras 2, 3, 4 and 5)

S.K.Sanwal, Advocate, *for the petitioner.*

Suvir Sehgal, Addl. AG, Punjab.

AJAY TEWARI, J. (ORAL)

(1) The grievance raised in the petition is with regard to the entitlement of the petitioner to compete for the Punjab State Accounts Service Examination. The petitioner was appointed as a Store attendant and wished to take the said examination. On being refused he filed the present petition. Reliance is placed on Regulation 4 of the Regulations for the Punjab State Accounts Service Examination (Ordinary Branch) 2005 which is relevant and is reproduced here as under:-

"4. Subject to other conditions prescribed in these regulations the following officials of State Government (other than the officials of L.A.D. Who are eligible to appear in L.A.D. Branch only) shall be eligible to sit in the Examination :-

(i) Clerks/junior Assistants/ Sr. Assistants/ Superintendents Grade-II/Officials working in identical or higher scale of clerk called by any nomenclature, in any Department of the State Government and State Sponsored Corporations Autonomous Bodies.

(ii) Auditors/ Upper Division Clerk

(iii) Accountants working in the offices of Block Development officers and other offices.

(iv) Stenographers / Steno-typists.

(v) District Treasury Officers/Treasury Officers.

(vi) District Treasurers/Assistant Treasurers

(vii) Officials working on any post under the Punjab Government possessing qualifications of "Graduation in Commerce or Post Graduation in Economics".

Provided that -

- (a) they possess a degree of a recognised university , and;**
- (b) they have rendered at least 3 years regular service.**
- (c) the Head of Department / Corporation/Boards certifies that the candidate is efficient and likely to pass the Examination.**

(2) In the written statement Regulation 4 has not been disputed but it has been stated that this examination is open only to Class III Government employes.

(3) I find no warrant in this conclusion of the Rule and, therefore, reject this contention. Learned Addl. AG has also pointed to Regulation 5 under which Secretary to Government of Punjab, Finance Department reserves the authority to reject the request of any application for appearing in the examination.

(4) In my opinion even this authority cannot be unreasonable and such an authority would have the implied duty to give reasons for any such rejection. Such egalitarian rules are not so frequent. Even on the High Court establishment there is a rule whereby any employee of the High Court who is a Graduate and has two years' experience can sit in the test of a Judgment Writer. Such rules are among the few instances in Government service where recognition is given to pure merit and they cannot be allowed to be eroded by an unintended interpretation.

(5) The petition is allowed. It is directed that the petitioner is entitled to take the examination in question if he satisfies the requirement of Annexure R-4.