

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CWP-21463-2020 (O&M)  
Date of Decision: 21.01.2021**

Sumit Chawla

... Petitioner

Versus

State of Haryana & others

... Respondents

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. R.K. Malik, Sr. Advocate with  
Mr. Samrat Malik, Advocate for the petitioner.

...

**TEJINDER SINGH DHINDSA, J. (ORAL).**

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner assails the decision of the 3<sup>rd</sup> respondent whereby he has been declared ineligible for appointment to the post of District Information and Public Relation Officer under the Information and Public Relation and Language Department, State of Haryana.

Brief facts of the case are that the Haryana Public Service Commission issued advertisement dated 10.09.2015 for filling up eight posts of District Information and Public Relation Officers and which subsequently by way of issuance of a corrigendum were increased to ten. Six posts were to be filled up from amongst general category candidates. The essential qualifications prescribed for the post were as under:

*“a) Master's degree in Mass Communication or Journalism*

*from a recognized University and two years media experience in a National Daily Newspaper or Television Channel or Publicity Organization of Government or Public Undertaking or University;*

*OR*

*M.A. (Hindi or English) from a recognized University and one year Post Graduation Diploma in Mass Communication or Journalism and two years media experience in a National Daily Newspaper or Television Channel or Publicity Organization of Government or Public Undertaking or University;*

*Note: The required experience should be after attaining the requisite qualifications.*

*b) Hindi/Sanskrit upto Matric standard.*

*Desirable*

- i) Experience of media writing;*
- ii) Proficiency in use of computer (Word Processing);*
- iii) Proficiency in English writing;*
- iv) Specialization in Public Relations at Master's Degree level”*

Petitioner, who belongs to the general category and claiming himself to be eligible for the post, submitted his application and subjected himself to a process of selection comprising of a written test and interview. It has been averred that the Haryana Public Service Commission declared the final result on 18.09.2020 and the petitioner having secured a total of 54.17 marks was the topper amongst the general category. Candidates lower in merit were offered appointment on 01.10.2020 but the case of the petitioner was referred to a Committee consisting of Deputy Director (Establishment), a Superintendent (Establishment), Liaison Officer (Establishment) and Accounts Officer (Audit) and such Committee vide

impugned communication dated 17/18.11.2020 (Annexure P-1) has declared the petitioner ineligible for appointment to the post in question on the ground that 'Pal Pal' is not a 'National Newspaper' and as such, one of the essential qualifications of having two years media experience in a 'National Daily Newspaper' was not fulfilled.

Learned senior counsel would submit that the petitioner possesses the qualifications of M.A. (Mass Communication), M.Phil. in Mass Communication as also LLM. That apart, the petitioner has more than two years experience as a Reporter in 'Pal Pal Newspaper'. Documents appended as Annexures P-4 and P-5 have been adverted to so as to emphasise that 'Pal Pal Newspaper' stands registered under the Press and Registration of Books Act, 1867 and is also enrolled with the Directorate of Advertising and Visual Publicity, Ministry of Information and Broadcasting. Further submitted that one Suresh Yadav had obtained information under the Right to Information Act from the respondent/department and it was informed that no definition of the term 'National Daily Newspaper' is available. That apart, petitioner had also sought information from the office of Registrar, Newspaper for India (Ministry of Information and Broadcasting) and as per information supplied there is no category called 'National Daily Newspaper/Periodical' registered under the Press and Registration of Books Act, 1867. Accordingly, it is argued that the documents at Annexures P-4 and P-5 reflecting 'Pal Pal Newspaper' to be registered under the Press and Registration of Books Act, 1867 as per certificate dated 04.06.2013 issued by the Registrar of Newspaper of India and such newspaper having been enrolled with the Directorate of

Advertising and Visual Publicity, Ministry of Information and Broadcasting would clearly show that 'Pal Pal' is a 'National Daily Newspaper'. It is vehemently argued that the petitioner, as such, fulfilled the essential qualifications prescribed for the post and having secured merit position No.1 in the selection process, the action of the respondent/authorities in having denied appointment to the petitioner is patently unjust, unfair, arbitrary and illegal. Yet another submission raised by senior counsel is that the Haryana Public Service Commission having conducted the selection process and thereafter having recommended the name of the petitioner for appointment to the post, it was not open for the respondent/department to thereafter declare the petitioner ineligible.

Counsel has been heard at length and pleadings on record have been perused.

As per essential qualifications prescribed for the post of District Information and Public Relation Officer apart from possessing the essential qualifications, it was mandatory to have a two years media experience in a 'National Daily Newspaper' or a Television Channel or Publicity Organization of Government or Public Undertaking or University. Petitioner is claiming to be eligible on the strength of qualifications possessed as also the two years experience that he has as a Reporter in 'Pal Pal Newspaper', which is stated to be published from Sirsa, Haryana. It is the case of the petitioner himself that there is no definition of the term 'National Daily Newspaper' as per information sought under the Right to Information Act from the respondent/department. In the absence of a formal definition of the term 'National Daily Newspaper', the same would have to be construed as

understood in common parlance and viewed by a prudent and rational thinking person. The documents at Annexures P-4 and P-5 certainly are not conclusive as regards 'Pal Pal' being a 'National Daily Newspaper'.

Relevant parameters in such regard, in the considered view of this Court would be the extent of circulation of 'Pal Pal' viewed on a PAN India basis as also the number of subscribers/readers. Even though, the relevant material/numbers are not forthcoming from the pleadings on record, yet the task of this Court in forming an opinion in this matter has been made easy on account of response of the learned senior counsel to a query put, wherein it was fairly conceded that the circulation of 'Pal Pal Newspaper' is confined to the State of Haryana and to certain parts of Rajasthan. This in itself would be sufficient to conclude that 'Pal Pal' is not a 'National Daily Newspaper'. In other words, petitioner does not fulfill one of the mandatory essential eligibility criteria i.e. two years media experience in a 'National Daily Newspaper'. No infirmity, as such, is found in the decision of the 3<sup>rd</sup> respondent in having held the petitioner ineligible for the post in question on the basis that 'Pal Pal' is not a 'National Daily Newspaper'.

The submission advanced by learned senior counsel as regards a recommendation having already been made by the Haryana Public Service Commission in favour of the petitioner and thereby vesting an absolute right in the petitioner to be appointed is not well founded. Even if, the petitioner has participated in a selection process comprising of a written test and interview and has secured the highest merit position, still it would not preclude the respondent department/appointing authority to examine the eligibility of the petitioner against the backdrop of the essential

qualifications prescribed in the advertisement vide which the recruitment process has been initiated.

For the reasons recorded above, there is no merit in the writ petition and the same is dismissed.

21.01.2021

*harjeet*

(TEJINDER SINGH DHINDSA)

JUDGE

- |                               |        |
|-------------------------------|--------|
| i) Whether speaking/reasoned? | Yes/No |
| ii) Whether reportable?       | Yes/No |