

HPSC objects to recruitment of judicial officers by selection panel

Asserting its constitutional mandate to conduct examinations for appointments to the services of the state, the Haryana Public Service Commission (HPSC) has objected to the state government's move to yet again take out the recruitments of judicial officers from its purview.

The objection comes following a government proposal to amend the Punjab Civil Services (Judicial Branch) Rules, 1951 (as applicable to Haryana), thereby allowing a selection committee headed by a Punjab and Haryana high court judge to make recruitments.

The examinations for recruiting Haryana judicial officers in 2011, 2013 and 2015 were conducted by the selection committee after taking these posts out of HPSC's purview. The Commission, however, has objected to the move this time.

'Move unconstitutional'

In a communication to the state chief secretary, the Commission said that proposal received from government was clearly contrary to the provisions contained in Article 320 (1) of the Constitution and hence unconstitutional.

Referring to a June 2016 proposal sent by the chief secretary, seeking HPSC's concurrence at the earliest for making recruitments to the posts of civil judge (junior division)-cum- judicial magistrate by a selection committee having three HC judges, chief secretary, HPSC chairman and advocate general, the Commission said it was only in the rarest of rare case that any post can be taken out of the Commission's purview.

"There has to be a full justification, proper application of mind and no arbitrariness in taking any such decision and that too after obtaining the due consent of the Public Service Commission. It is a settled law that no such decision can be taken without the concurrence of Commission. It is not a routine drill or exercise for the government to act arbitrarily and take suo motu decision as the present case proposes," said the communication sent by HPSC Secretary.

Under the amendment proposal sent by government, the selection committee will set up question papers, evaluate answer sheets and conduct interviews while processes such as inviting applications, screening applications, issuing roll numbers and admit cards to the

candidates will be done by the HPSC. “This provision clearly takes away main function of recruitment from HPSC’s purview but without giving any justification. In the past, the Commission had agreed to such proposals which were for one-time basis. The Commission cannot keep giving its consent to take the recruitment out of its purview year after year,” said the Commission’s letter.

HC cites SC ruling

While the HC registrar general did not reply to text messages sent for HC’s version, state officials said the HC has cited a 2006 Supreme Court ruling in Malik Mazhar Sultan case in which apex court said that non-filling of judicial officers’ vacancies for long not only resulted in avoidable litigation but also creeping frustration among candidates. It also deprived people of the services of the judicial officers and was one reason for huge pendency of cases.

Seeking adherence of a strict time schedule for filling of vacancies, the SC had directed state governments and high courts to provide for a time schedule so that every year vacancies which may occur were timely filled.

The Commission, on the other hand, said that the SC ruling makes a case for speedy and timely appointments to various posts of judicial officers, but has nothing to do with taking recruitment to judicial post out of HPSC’s purview. “In fact, it is the HPSC which can fulfil the spirit behind the SC ruling as it has the expertise to do so keeping in view the exigencies of recruitment. In states like West Bengal, Orissa, Tamil Nadu, Bihar, Himachal Pradesh, the recruitment process of civil judges was made by Public Service Commissions,” said the HPSC letter.