

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Civil Writ Petition No. 8203 of 2025

Date of Decision: 29.12.2025

Manu Kumari

.....Petitioner

Versus

Himachal Pradesh Rajya Chayan Ayog Hamirpur and Anr.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Adarsh Sharma, Advocate.

For the respondents: Mr. L.S.Mehta, Advocate, for respondent No.1.
Mr. Rahul Thakur, Advocate, for respondent No.2.

Sandeep Sharma, J. *(Oral)*

Precisely the grouse of the petitioner as has been highlighted in the petition and further canvassed by Mr. Adarsh Sharma, learned counsel for the petitioner is that though petitioner while applying for post of Junior Office Assistant (Accounts) had submitted experience certificate suggestive of the fact that she has done six months' Tally Accounting course, but yet her candidature has been wrongly rejected on the ground that she failed to place on record requisite experience certificate.

2. Precisely, facts of the case as emerges from the pleadings adduced on record by the respective parties are that Erstwhile Himachal Pradesh Staff Selection Commission (in short "Erstwhile Commission") vide advertisement No. 38-2/2022 date 24.5.2022

advertised various posts under different codes. Twenty three posts of Junior Office Assistant (Accounts) were also advertised under Post Code No. 996. Petitioner being fully eligible also applied for the aforesaid post.

3. Though screening test for the afore post was conducted, but result was not declared for the reason that Erstwhile Commission was abolished. Once Erstwhile Commission was re-constituted vide notification dated 6.11.2024, result of screening test was declared, wherein name of the petitioner was also mentioned among 78 shortlisted candidates. Petitioner alongwith afore shortlisted candidates was called for document verification on 21/22.11.2024 in the premises of respondent No.1. Though petitioner during verification of documents submitted all the required documents, but yet vide communication dated 5.12.2024 (Annexure P-4), respondent No.1 pointed out certain shortcomings in the documents that *experience certificate submitted by the petitioner as Senior Office Assistant (Accounts) w.e.f. 8.5.2013 to till date was without reference/registration number of the firm.*

4. Though having taken note of the aforesaid objection raised by the Erstwhile Commission, petitioner submitted fresh experience certificate on 9.12.2024 (Annexure P-5), but fact remains that petitioner was not considered for the post in question on the ground that experience certificate submitted by her does not indicate the

experience in Tally Accounting System as was otherwise required in terms of advertisement issued by the Erstwhile Commission. In the afore background, petitioner has approached this Court in the instant proceedings, praying therein for following main reliefs:

“(i) That writ in the nature of certiorari may kindly be issued, quashing and setting aside Annexure P-6 qua the petitioner as well as Annexure P-8 i.e. communication dated 06.03.2025.

(ii) That writ in the nature of mandamus may kindly be issued, directing the Respondent No.1 to select the petitioner on the post of Junior Office Assistant (Account) against post Code No. 996 pursuant to the advertisement dated 24.05.2022 and further directing the Respondent No.1 to recommend the petitioner for appointment as Junior Office Assistant (Account) in Respondent No.2 against any existing or resultant vacancy or in the alternative, directing the Respondent No.2 to create a supernumerary post for the petitioner.”

5. During proceedings of the case, it came to be vehemently argued at the behest of the petitioner that at the time of scrutiny of documents, petitioner had submitted a document (Annexure P-3) suggestive of the fact that she has done 12 months course in Certified Finance Executive and while doing so, she had cleared one paper of Computerized Accounting, which includes Tally, Busy and Visual Payroll etc. and as such, there was no occasion to reject the candidature of the petitioner. Mr. Adarsh Sharma, Advocate, while referring to communication dated 5.12.2025 issued by respondent No.1 pointed out that at no point of time, petitioner was informed that experience certificate submitted by the petitioner does not suggest any

experience of the petitioner in tally business, rather at that time, petitioner was apprised that experience certificate submitted by her is without reference/registration number of the firm.

6. Though having taken note of the aforesaid objection raised by the Aayog petitioner submitted fresh certificate (Annexure P-5), thereby giving specific number of registration of firm, but yet her candidature was rejected on altogether different ground that she does not have any experience in Tally Accounting.

7. To that contrary, Mr. L.S. Mehta, learned counsel appearing for respondent No.1-Rajya Chayan Aayog, submitted that once in terms of advertisement issued by it as well as in terms of call letter, petitioner was required to produce experience certificate in the field of Tally Accounting, no illegality can be said to have been committed by the respondents while rejecting the candidature of the petitioner.

8. Having heard learned counsel for the parties and perused material available on record, this Court having carefully perused advertisement issued for the post in question finds that for the post in question, a candidate was required to produce certificate of Tally Accounting System from any institution/government registered computer centre with at least six months' experience in tally accounting system from any registered firm/company institution, but respondent-Aayog after having securitized the documents adduced on

record by the petitioner never pointed out that petitioner has failed to submit the documents with regard to Tally Accounting, rather vide communication dated 5.12.2024, she came to be informed that experience certificate submitted by her is without reference/registration number of the firm.

9. Having taken note of aforesaid objection raised by respondent No.1/Aayog, petitioner, within one week, submitted fresh certificate dated 9.12.2024, thereby giving number of registration of school as well as firm, however as has been noticed herein above, petitioner's name was not included in the final merit list on the ground that she had failed to submit the experience certificate in Tally Accounting.

10. True, it is that as per advertisement, petitioner herein was required to submit certificate of Tally Accounting, which, admittedly, in the case at hand, was produced by the petitioner at the time of verification of documents, this Court specifically with a view to ascertain the correctness of the claim put forth by the petitioner with regard to Tally Accounting, called for the records from the respondent Chayan Aayog.

11. Pursuant to order passed by this Court, Mr. Hoshiar Singh Junior Office Assistant (Accounts) produced the record, perusal whereof clearly reveals that at the time of production of the documents, petitioner had submitted certificate issued by Institute of

Computer and Finance Executive suggestive of the fact that she has done 12 months course in Certified Finance Executive and while passing such course, she has also passed computer accounting, wherein Tally, Busy and Visual Payroll etc. was part of the curriculum.

12. Once petitioner had submitted aforesaid document, there was otherwise no occasion, if any, for the respondent Chayan Aayog to reject her candidature, but even otherwise, petitioner never asked vide communication dated 5.12.2024, to submit experience certificate with regard to her having experience in Tally Accounting, rather experience certificate submitted by her as Senior Office Assistant (Accounts) w.e.f. 8.5.2013 till 5.12.2024, was accepted, but petitioner was asked to make available reference and registration number of the firm, responsible for issuing such experience certificate. Though petitioner herein promptly rectified the mistake and made available certificate dated 9.12.2024, therein giving details of registration of the institution responsible for issuing such certificate, but yet her candidature was not considered.

13. Prayer made by the petitioner is required to be allowed on both the counts. Firstly, as per advertisement, she had successfully produced one certificate issued by the Institution of Computer and Finance Executive (Annexure P-3) suggestive of the fact that she had successfully completed 12 months' course of Certified Finance Executive, wherein Tally Accounting was part of the curriculum and;

Secondly, she also rectified the mistake as was appointed by the Scrutiny Committee thereby giving reference number of the school/agency responsible for giving her certificate suggestive of the fact that she has been serving as Senior Office Assistant (Accounts).

14. In view of the aforesaid, petitioner herein cannot be said to be at fault, rather there appears to be total non-application of mind at the behest of the Scrutiny Committee, responsible for scrutiny of the documents at the time of verification of the documents.

15. Admittedly, four persons already stand recommended against the post of JOA (Accounts) (OBC UR), but once this Court is fully convinced that there was no fault, if any, of the petitioner, rather petitioner has been ousted for totally unjustifiable reasons as has been discussed herein above, prayer made by the petitioner, deserves to be allowed. However, while doing so, next question, which needs to be answered by this Court is that “*whether in the event of selection of the petitioner pursuant to instant order last selected candidate would be ousted or not?*” Since there is nothing on record that last candidate was given appointment on account of misrepresentation, rather she on the basis of her own merit succeeded in getting appointment, there appears to be no justification to oust her, but at the same time, rightful claim of the petitioner cannot be defeated.

16. At this juncture, it would be apt to take note of judgment rendered by the Hon’ble Apex Court in case titled **Vikas Pratap Singh**

and others Versus State of Chhattisgarh and others, (2013) 14 SCC 494, wherein taking note of the fact that the appellants (therein) had successfully undergone training and were serving the State for more than three years, were allowed to continue in service even though their selection was interfered with. Para 28 of the judgment, being relevant, is extracted hereinafter:-

“28. In our considered view, the appellants have successfully undergone training and are efficiently serving the respondent State for more than three years and undoubtedly their termination would not only impinge upon the economic security of the appellants and their dependants but also adversely affect their careers. This would be highly unjust and grossly unfair to the appellants who are innocent appointees of an erroneous evaluation of the answer scripts. However, their continuation in service should neither give any unfair advantage to the appellants nor cause undue prejudice to the candidates selected qua the revised merit list.”

17. Similar situation arose in **Anmol Kumar Tiwari and others Versus State of Jharkhand and others, (2021) 5 SCC 424**, wherein the Hon’ble Apex Court confirmed the decision of the High Court that had directed reinstatement of the writ petitioners after taking into account the fact that they were though beneficiaries of the select list that was prepared in an irregular manner, but were not responsible for the irregularities committed by the authorities in preparation of the said select list. Relevant para from the judgment reads as under:-

“11. Two issues arise for our consideration. The first relates to the correctness of the direction given by the High Court to reinstate the Writ Petitioners. The High Court directed reinstatement of the Writ Petitioners after taking into account the fact that they were beneficiaries of the select list that was prepared in an irregular manner. However, the High Court found that the Writ Petitioners were not responsible for the irregularities committed by the authorities in preparation of the select list. Moreover, the Writ Petitioners were appointed after completion of training and worked for some time. The High Court was of the opinion that the Writ Petitioners ought to be considered for reinstatement without affecting the rights of other candidates who were already selected. A similar situation arose in *Vikas Pratap Singh* case, where this Court considered that the Appellants-therein were appointed due to an error committed by the Respondents in the matter of valuation of answer scripts. As there was no allegation of fraud or misrepresentation committed by the Appellants therein, the termination of their services was set aside as it would adversely affect their careers. That the Appellants therein had successfully undergone training and were serving the State for more than 3 years was another reason that was given by this Court for setting aside the orders passed by the High Court. As the Writ Petitioners are similarly situated to the appellants in *Vikas Pratap Singh* case, we are in agreement with the High Court that the Writ Petitioners are entitled to the relief granted. Moreover, though on pain of Contempt, the Writ Petitioners have been reinstated and are working at present.”

18. In the case at hand, selected candidate cannot be said to be at fault, rather it is the department, which has offered him/her appointment and as such, it would be too harsh if he/she is ordered to be removed from service. At the same time, petitioner also cannot be

denied her rightful claim being fully eligible to be appointed against the post in question.

19. Consequently, in view of detailed discussion as well as law taken into consideration, this Court finds merit in the present petition and accordingly, same is allowed and rejection order (Annexure P-6) qua the petitioner and communication dated 6.3.2025 (Annexure P-8) are quashed and set-aside. Respondent-Aayog is directed to recommend the name of the petitioner for appointment against the post of Junior Office Assistant (Accounts) if otherwise, she falls in merit, from the date candidates of same recruitment process have been given appointment, but while doing so last candidate selected in the process shall not be withdrawn. Furthermore, if required, supernumerary post can also be created for the aforesaid purpose. It is also made clear that petitioner shall not be entitled to actual monetary benefits from deemed date of appointment to actual date of joining but such period shall count for the purpose of seniority and other service benefits. Pending applications, if any, also stand disposed of.

December 29, 2025

manjit

**(Sandeep Sharma),
Judge**