

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 3387 of 2014

DATE OF DECISION: 30.6.2015

Bhupender Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. S.N. Yadav, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana

Mr. Kanwal Goyal, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The prayer in the present petition is for issuance of a writ in the nature of certiorari for quashing of impugned letter dated 31.1.2014, vide which, the petitioner was not interviewed on the ground that he did not possess the requisite experience as per advertisement dated 22.11.2013. A further prayer has also been made for issuing directions to the respondents to consider the case of the petitioner for the aforesaid post.

Briefly, the facts of the case are that in the year 2011, an advertisement was issued for inviting applications for the post of District Welfare Officer (Group 'B') in the Welfare of Schedule Caste and Backward

Class Department, Haryana. There were total 4 posts, out of which, three posts were meant for General Category and one was for Ex-servicemen. The requisite qualification for the said post was Master's Degree from a recognized University in Social Work or Sociology or Economics and five years field experience in the Development or Welfare Department of Central or any State Government was required. In addition to that knowledge of Hindi/Sanskrit upto matric level was also required. The Secretary, Haryana Public Service Commission vide letter dated 28.5.2012 sought clarification with regard to ambiguity in the experience clause. On 22.11.2013 again an advertisement was issued and total six posts were advertised. Out of six posts, four posts were meant for General Category, one post for Ex-servicemen and one post was for Backward Class. In subsequent advertisement dated 22.11.2013, a clarification was made in Clause 10 that the experience will only be counted after acquiring the basic minimum qualification. The petitioner being candidate of Backward Class and having requisite qualification applied for the aforesaid post but he was not called for interview. Vide impugned letter dated 31.1.2014, it was informed that he did not possess the required experience as per the advertisement. The petitioner was having experience from the Haryana State Council for Child Welfare, District Branch Rewari, which was obtained prior to acquiring the required qualification. The petitioner was not called for interview because of obtaining the experience prior to acquiring the required qualification. He made a representation to the respondents but still he was not interviewed. Said impugned letter dated 31.1.2014 is subject matter of challenge in the present petition.

Learned counsel for the petitioner submits that the petitioner was possessing the requisite qualification and experience as per earlier advertisement and such condition of experience is not mentioned in the

Rule but still that has been stipulated in the subsequent advertisement. Learned counsel further submits that the controversy in the present case is squarely covered by the decision of Hon'ble the Apex Court in Civil Appeal No. 1951 of 1999 titled as **Vinod K. Chawla Vs. Mani Ram and others** decided on 6.11.2001.

Learned counsel for respondent No.2 submits that the petitioner was not possessing the requisite experience as per Haryana Welfare of Schedule Castes and Backward Classes Department (Group 'B') Service Rules, 1985, wherein, five years field experience in Development or Welfare Department of the Central or any State Government is required for the direct recruitment to the post of District Welfare Officer. Learned counsel further submits that a specific mention was there in the advertisement regarding experience and accordingly the petitioner was not called for interview. The judgment relied upon by learned counsel for the petitioner is not applicable keeping in view the facts and circumstances of the present case. Learned counsel has also relied upon the judgment of Hon'ble the Apex Court in the case of **Sheshrao Jangluji Bagde Vs. Bhaiyya and others**, AIR 1991 Supreme Court 76, in support of his contentions.

Heard the arguments advanced by learned counsel for the parties and have also gone through the documents available on the file.

The advertisement for the post of District Welfare Officer (Group 'B') issued by Haryana Public Service Commission has not been disputed. In the advertisement issued in the year 2011 nothing was mentioned regarding experience as to whether it should have been acquired prior to acquiring the requisite qualification or after acquiring the requisite qualification. Subsequently another advertisement was issued on 22.11.2013, wherein, a specific clause was mentioned stating therein that

the “experience will only be counted after acquiring the basis minimum qualification”. It is also not disputed that the petitioner was having experience w.e.f. 12.6.2003 to 8.6.2011 as is clear from Annexure P-6. The petitioner was not interviewed by respondent No.2 and it was conveyed to him vide letter dated 31.1.2014 that he did not possess the required experience as per advertisement.

Normally when we talk about experience, it is considered as an experience after acquiring the minimum qualification unless otherwise it is provided. In the present case, a specific mention was there in the advertisement that the requisite experience is required after acquiring the minimum requisite qualification. In the earlier advertisement there was no specific requirement and after having clarification from the Department concerned, another advertisement was issued where a clause clarifying experience was mentioned. As per the terms and conditions of the advertisement, the petitioner was not possessing the experience after acquiring the minimum qualification and accordingly he was not called for interview. The judgment relied upon by learned counsel for the petitioner is not applicable keeping in view the facts of the case as in that case there was no specific mention with regard to experience.

In **Sheshrao Jangluji Bagde's case (supra)**, Hon'ble the Apex Court has held that the experience is to be considered after acquiring the minimum qualification required unless the context otherwise demands. Moreover, the petitioner has not challenged the advertisement in the present case and only a prayer has been made for allowing him to be interviewed for the said post. In case the petitioner is aggrieved with the condition of experience, which is required after acquiring the requisite minimum qualification, he should have challenged the advertisement.

In view of the facts as mentioned above, there is no merit in

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the submissions made by learned counsel for the petitioner and the petition
being devoid of any merit is hereby dismissed.

June 30, 2015
pooja

(DAYA CHAUDHARY)
JUDGE