

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.6376 of 2013 (O&M)

Date of Decision : 10.02.2015

Narinder Pal

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1)Whether reporters of local newspapers may be allowed to see the judgment?

2) To be referred to the Reporters or not?

3) Whether the judgment should be reported in the Digest?

Present : Mr.R.K.Arora , Advocate for the petitioner

Mr. Ashish Sharma, Addl. AG, Punjab

MAHESH GROVER, J.

The petitioner prays for appointment as a Vocational Master (Computer Science). The selection was initiated pursuant to an advertisement to fill up 78 posts of this category and the qualifications prescribed were as under:-

(x) **Vocational Master – Computer Science**

Qualification – Three years diploma in Computer Science / Education from State Board of Technical Education with three years teaching or practical experience from any Govt. or Govt. Aided institution or any reputed institution which should be countersigned by the competent authority.”

There is no dispute about the qualification of the petitioner but the solitary reason why the petitioner has been denied consideration is that he did not possess 3 years experience as stipulated. It is also not in dispute

that the petitioner had not submitted the experience certificate at the time of making his application and even till the last date prescribed for it i.e 9.10.2009. However, during the course of counselling the petitioner had produced relevant experience certificates, annexures P-5 and 6 which indicate his experience from 12.7.2006 till 17.5.2007 in the first instance and thereafter from 1.8.2007 to 30.7.2008 and 1.8.2008 to 25.6.2010 as a Computer Lecturer. The petitioner contends that these are private institutions of repute and the certificates have been counter signed by the competent authorities and therefore the respondents could not have ousted these certificates while considering his case for appointment.

Reply has been filed to the petition wherein the stand of the respondents is that the petitioner was not eligible for appointment as he did not have the requisite experience of 3 years after passing of the essential qualification.

To this learned counsel for the petitioner responds by referring to Annexure P-17 and 18 that the qualification was acquired by him in the year 2005.

On due consideration of the matter, I am of the view that the stand taken by the respondents is unjust. Firstly the petitioner clearly acquired the qualification in 2005 which was followed by 3 years experience if Annexures P-5 and P-6 are to be construed which were also brought to the notice of the respondents at the time of counselling. It was thus imperative upon the respondents to take into consideration these certificates and not to restrict the case of the petitioner to technicalities, particularly when out of 78 posts only 37 posts were filled.

In the matter of public appointments plenty of effort goes into a

selection process and thus when human resources responds to an advertisement, the endeavour of the employer should be to sap up as much of it without wasting it. The process being cumbersome should be utilized to its maximum.

Thus keeping in view the above facts when there was hardly any reason to keep the petitioner away from employment, I am of the view that the respondents need to visit a reconsideration to the whole issue in the light of what has been stated above. Ordered accordingly. Let needful be done as expeditiously as possible, preferably within a period of two months from the date of receipt of the certified copy of this order. In case the petitioner fulfills all the requisites he shall be given the employment keeping in view the undisputed fact of existing vacancies.

Petition stands allowed.

February 10, 2015
rekha

(MAHESH GROVER)
JUDGE