

**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

CWP-6735-2013

Decided on: 14.08.2015

Ajit SinghPetitioner

vs.

State of Haryana and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Ms. Anu Chatrath, Sr. Advocate

with Mr. Rakesh Sobti, Advocate for the petitioner.

Ms. Shruti Jain Goel, Asstt. AG, Haryana

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Mahesh Grover, J

The petitioner prays for issuance of a writ in the nature of certiorari quashing a communication dated 18.02.2013 (Annexure P6) rejecting the application form of the petitioner for the post of PGT (Geography), Category No. 5 as advertised vide Advertisement dated 07.06.2012.

The solitary ground for non suiting the petitioner is variation evidenced in the application form submitted online. For the purposes of references, it would be apposite to refer to the variation which has ousted the petitioner from consideration. In the information to be supplied under heads described as “other” the petitioner was required to give information regarding the experience.

Against this column, the information supplied by the petitioner is extracted here below:-

OTHER

Criminal case registered	No	Birth place and country	Rewari Haryana/ India
Worked for minimum 4 years cumulatively as on 11.04.2012 in Privately Managed Government Aided Schools, Recognized Schools and Government Schools.Should be in service as on date.	Yes	Matric with Hindi / Sanskrit or 10+2/B.A/M.A with Hindi as one of the subject?	Yes
Haryana Domicile	Yes	Dismissed from Govt. Service	No
Whether Registered in Employment exchange before attaining the age of 40 years and still name exists as registered unemployed?	No	Whether working as a teacher in privately managed Govt. aided recognized and Govt. Schools. Age relaxation to the extent of service rendered as a teacher subject to a maximum of 5 years.	
Experience (In months)	0		

Undisputedly, there would be a discrepancy in the details of the experience given as the petitioner in one of the columns writes his experience to be four years cumulatively as on 11.04.2012 obtained in Privately Managed Government Aided Schools / Re-cognized Schools and Government Schools whereas in the column where experience was to be given in months, the petitioner has indicated zero.

By virtue of the impugned order Annexure P6, the respondents have ousted the petitioner for consideration by referring to item 18 of the documents prepared by them for re-verification and scrutiny of documents. The same is extracted here below:

18.	Variation in data of online application form and originals when brought for interview/category/Marks/Experience
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That being the solitary reason to oust the petitioner from consideration learned counsel for the petitioner contends that once all the facts had been disclosed in the form submitted online, the petitioner could not have been kept away from consideration as there would have been no concealment of facts or mis information and merely because against one column of experience, the petitioner has omitted to describe it in months, even though, in the prior column it has been described in years would make no difference. Essence of the information centred around the requisite experience which is also the requirement prescribed in the advertisement.

It is not in dispute that the petitioner is otherwise qualified for consideration and if that be so, then this variation could not have been taken to be a justifiable ground to keep the petitioner away from the zone of consideration.

Consequently, the petition is accepted and the respondents are directed to offer a consideration to the petitioner in the process of selection. In case the petitioner is found to be eligible and comes within the zone of merit *vis a vis* the others who have already faced the selection process, the petitioner would also be considered for appointment w.e.f the date when similarly situated persons would have been granted appointment.

14.08.2015

mamta

(MAHESH GROVER)

JUDGE