

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8758 of 2013.

Date of decision: October 08, 2015

Ramesh Kumar

...Petitioner

Versus

Haryana Staff Selection Commission and anr.

...Respondents

CORAM:HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:-Mr. Lalit Rishi, Advocate for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana
None for respondent No.2.

Harinder Singh Sidhu, J.

The petitioner applied for the post of Assistant Lineman in pursuant to the advertisement No.1/2011 dated 19/03/2011 advertised by Haryana Staff Selection Commission. The essential qualification prescribed for the said post is as under:-

“E.Q. i) Matric with 2 years ITI in Electrician/Wireman trade or having 2 years Vocational Course under the trade of Lineman or Electrician (Maintenance and Repair of Electrical and Domestic Appliances) conducted by Director, Industrial Training & Vocational Education, Haryana or National Apprenticeship certificate awarded under the Apprenticeship Act, 1961 from any institute recognized by the State Government.

ii) Hindi/Sanskrit upto Matric Standard.”

The petitioner was interviewed on 15.05.2012. The scrutiny/screening of documents was done on 18.09.2012 and the

result was declared on 09.01.2012. However, the petitioner's name did not figure in the selected candidates.

On inquiry the petitioner was informed that his case was not considered because he did not fulfill the qualification as prescribed in the advertisement. It was stated that the Secondary School Examination from National Open School, New Delhi which the petitioner had qualified was not equivalent to Matric Level Examination of Board of School Education, Bhiwani as prescribed in the advertisement.

Hence, this petition.

In the written statement filed on behalf of respondent No.1, the same stand has been taken. It has been stated that as the petitioner has passed the Secondary School Examination from National Institute of Open Schooling, New Delhi in 5 subjects i.e. Hindi, Social Science, Science, Mathematics and English, it could not be considered as equivalent to the Matriculation level of the Board of School Education Haryana. Reliance has been placed on a letter dated 25.1.2012 whereby the Director, Secondary Education, Haryana has intimated that the Secondary Level Examination passed from National Open School, New Delhi is equivalent to Matric Level Examination of Board of School Education, Haryana, Bhiwani subject to the condition that candidate must have passed Hindi and English as compulsory subjects and has passed three subjects out of Mathematics, Social Studies Science and one elective subject in Secondary Level Examination. Denying the claim of the petitioner, it has been stated that he has passed Hindi and English as compulsory subjects and 3 more subjects of Mathematics, Social

Science and Science and he has not passed one more elective subject from National Open School, New Delhi and as such his certificate is not equivalent to Matric level examination of Board of School Education, Bhiwani and accordingly he has not been considered as eligible for the said post.

Learned counsel for the petitioner, placed reliance on two decisions of this Court i.e. CWP No.25210 of 2012 titled as Sanjit vs. State of Haryana and anr. Decided on 12.1.2015 and a Division Bench judgment in CWP No.17441 of 2001 titled as Om Parkash and another vs. State of Haryana and others, decided on 4.3.2008.

I have heard learned counsel for the petitioner and perused the paper book.

In the cases, referred to above, same objections as raised herein had been raised and it has been held that the Secondary School Examination from National Institute of Open School, New Delhi is equivalent to Matriculation Examination of Haryana School Education Board, Bhiwani.

In view thereof, this petition is allowed.

The petitioner has to be held as fulfilling the qualifications for the post of Assistant Lineman. It has been stated that the petitioner was provisionally interviewed pursuant to the direction of this Court. If on the basis of the interview, he is successful, then his case be considered for the appointment.

(Harinder Singh Sidhu)
Judge

08.10.2015
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