

Sr.No.243

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-8656-2014(O&M)

Decided on: 13.10.2015

Anil KumarPetitioner

vs.

State of Haryana and anotherRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr.Shalender Mohan, Advocate for the petitioner.
Mr.Hitesh Pandit, Addl. A.G. Haryana.

**

Mahesh Grover, J

This is a petition filed by the petitioner seeking appointment to the post of Vocational Teacher (Retail).

The petitioner applied in response to advertisement inviting applications for 14 Vocational Teachers (Retail) out of which one was reserved for SBC category. This advertisement dated 18.09.2013 was succeeded by a corrigendum increasing the number of posts and in the category of SBC two posts were prescribed instead of one. The essential qualification for the posts were as follows:-

“Vocational Teacher (Retail)

Qualification:

MBA in Sales and Marketing.

Or

Post Graduate in Retail Management.

Or

i) Graduate in any discipline.

ii) In addition to i) Diploma or certificate course in retail/Retail & Management/Marketing & Sales.

Experience:

Minimum 2 year relevant experience for Graduate candidates and 1 year for Post Graduate Candidates in relevant Industry/Institute only.

Relevant experience means experience in the field of Marketing/ Sales / Sales & Operations / Sales & Services / Teaching in relevant field.

The respondents completed the selection process and filled up one post of Retail Teacher as against SBC category. The petitioner then preferred a writ petition pleading his merit and entitlement to appointment which was disposed of with the direction to the respondents to consider the representation filed by the petitioner and take appropriate decision. The impugned order is result of that consideration where the respondents have given out the criteria for awarding marks and have stated that the petitioners received only 37.5 marks as against 40% required for consideration. The relevant portion of the impugned order prescribing the criteria attached by the respondents for awarding marks is extracted here below:

S.No.	Qualification	Marks	M.M
1.	Graduation		10
	Marks below 50%	0	
	Marks =>50% and <60%	5	
	Marks 60% and above	10	
2.	Post Graduation		10
	Marks below 50%	0	
	Marks =>50% and <60%	5	
	Marks 60% and above	10	
3.	Additional qualification (graduation or above) (any best performance to be considered)		10
	Marks below 50%	0	
	Marks => 50% and < 60%	5	
	Marks 60% and above	10	
4.	Experience (2 marks for every six months experience)		10
5.	Written Aptitude test		30
6.	Interview		30
Total Marks			100

Learned counsel for the petitioner with reference to the experience certificates contends that he ought to have been awarded more marks but the respondents have ignored one certificate only on the premise that it does not bear any date. It may be noticed that two marks for every six months of experience

was to be awarded. The petitioner had furnished a certificate from one Tridev Motors certifying that he has worked as a Sales Manager from 01.07.2010 to 22.09.2011 and another certificate from one Jagmohan Motors to state that he was working as a Team Leader (Maruti DMS ID 347809) from 01.10.2011 to till date. This certificate is dated 30.09.2013 but the one supplied to the respondents does not bear any date. It is solely on this ground that the claim of the petitioner has been negated which in the considered opinion of this Court was not justified. If the respondents had any doubt about the veracity of the certificate supplied by the petitioner they were very well within the rights to seek further clarification or have a verification done by themselves but to discard his certificate altogether simply on the ground that it does not bear any date even though it prescribed the period of employment with the principal employer could not have been a just ground to oust the petitioner from consideration altogether. In these circumstances, I am of the view that the petitioner has been unduly prejudiced and should have been considered. If a person with requisite qualification is available then such human resource should not ordinarily be wasted considering that resorting to a fresh process of selection is not only time consuming but is also burden on the exchequer. It is not disputed that one post is still lying vacant.

The writ petition is, therefore, disposed of and the respondents are directed to offer reconsideration to the petitioner for employment to the post of Vocational Teacher (Retail) with liberty to them to look into the veracity of the certificates supplied by the petitioner. Petitioner be given consequential appointment in case he fulfils all other conditions. The needful be done as expeditiously as possible but not later than six weeks' from the date of receipt of certified copy of the order.

13.10.2015**mamta****(MAHESH GROVER)****JUDGE**