

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**C.W.P No. 9691 of 1995
Date of decision : 25.02.2016**

Jagdish Chand

....Petitioner

versus

State of Haryana and ors.

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. Keshav Gupta, AAG, Haryana

Mr. C.B. Goel, Advocate
for respondent No. 5

1. To be referred to the Reporters or not? Yes
2. Whether the judgment should be reported in the Digest?

RITU BAHRI , J.

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking quashing of the selection of Data Entry Operator made by respondent No. 4 and further prayer is for issuing of appointment to the petitioner instead of respondent No. 5, who does not possess the qualification duly notified in the advertisement No. 5/93 published on 22.09.1993.

Respondent-Subordinate Service Selection Board, Haryana issued an advertisement to fill up one post of Data Entry Operator in

the Health Department Haryana (P-1) and petitioner as well as respondent No. 5 submitted their application and were interviewed on 14.02.1995 along with other candidates. However, respondent No. 5 who is not possessing one year certificate from I.TI Diploma from Polytechnic in Data Entry, which was one of the essential qualification for the post, has been selected and was appointed as Data Entry Operator in the office of respondent No. 3 and hence the present writ petition.

On notice, a reply has been filed by respondent Nos. 1 to 3 taking a stand that petitioner possessed one year provisional National Trade Certificate of Industrial Training Institute Ambala City and passed the prescribed trade test in the trade of Data Preparation and Computer Software having the subjects of practical, theory and social study whereas respondent No. 5 possesses three year diploma course in Computer Engineering awarded by State Board of Technical Education, Haryana possesses qualifications of Data entry in the course curriculum, of Three years diploma in Computer Engineering. Further she has passed the subjects of computation, data structure, data processing project, computer organisation and programming including Introduction to System of Software besides other subjects in her three years diploma in Computer Engineering. Thus, respondent No. 5 was possessing higher qualification than those held by petitioner.

To the same effect is the reply filed by respondent No. 5 that she is possessing higher qualification than that of petitioner.

A replication has been filed by the petitioner wherein reference has been made to letter written by the Secretary, S.S.S Board, Haryana to respondent No. 5 informing her that her application is rejected as she does not fulfil the condition of one year ITI certificate diploma in Data Entry Operator. In the note it has been stated that in case she want to produce any proof against the rejection of application, the same be submitted in person till 13.02.1995.

Reference has been further made to letter dated 13.02.1995 written by the Project Director, IPP-VIII, World Bank Project, Health Department, Haryana to the Secretary, S.S.S. Board, Haryana regarding qualification for the post of D.E.O whereby father of respondent No. 5 represented to verify as whether a candidate with three years diploma in computer Engineering from Polytechnic is eligible for the post of DEO or not. It has been informed that diploma in computer Engineering is higher qualification and impasses qualification of Data Entry in the course curriculum of Three years diploma in Computers Engineering.

Thereafter, rejoinder was filed on behalf of respondent No. 3 stating therein that diploma in computer Engineering is higher qualification and impasses qualification of Data Entry in the course curriculum of Three years diploma in Computers Engineering.

Thus, once it has been settled that diploma in computer Engineering is higher qualification and impasses qualification of Data Entry in the course curriculum of Three years diploma in Computers Engineering, this petition is liable to be dismissed.

Further the petition was admitted on 22.08.1996 and almost 20 years have gone by and today also no one appeared to represent the petitioner, which shows that nothing survives in the present petition at this stage.

Once respondent No. 5 was possessing higher qualification than that of petitioner, as clarified vide letter dated 13.02.1995, the present writ petition is dismissed, being devoid of any merit.

(RITU BAHRI)
JUDGE

25.02.2016

G Arora