

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

Mamta
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CWP No.20455 of 2008 (O&M)

Date of decision: 09th August, 2016

Rajvir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana,
for the respondent(s)-State.

Mr. Jitender Kundu, Advocate,
for respondent No.3.

Mr. Jitender Dhanda, Advocate,
for respondent No.4.

RAJIV NARAIN RAINA, J.

The Secretary, Staff Selection Commission, Panchkula has filed an additional affidavit dated 22.04.2014, explaining therein that the petitioner did not possess the qualification prescribed for the post of Surveyor. On the other hand, the private respondents possess the qualification equivalent to the qualifications for the post of Surveyor, Agriculture Department, Haryana. In para No.2 of the said affidavit, it has been asserted that respondent Nos.3 and 4 are ex-servicemen and therefore, their case has to be viewed from the perspective of the opinion of experts in the Haryana Rajya Sainik Board published in the journal "Jai Jawan" certifying that for ex servicemen appointed to civil posts, the educational certificates earned and awarded in previous services spent in the defence of India have been recognized as equivalent to certain civil examination certificates which have been amplified in para No.2 of the affidavit which read is as follows:-

“for the purposes of ex-servicemen to civil posts some educational certificates awarded in the services have been recognized as equivalent to certain civil examination certificate and according to Sr. No.63 of the said book the Surveyor (Field) Class I & II certificate of the Army is equivalent to NTC Surveyor, an extract copy of the “JAI JAWAN” book showing recognition of service certificate of education is attached R-2/1. Therefore, in view of the aforesaid book both the qualifications of (i) Certificate in Surveying from Industrial Training Institute and (ii) the Certificate of Technical Proficiency in Surveying category issued by the Presiding Officer, Technical Testing Board, Indian Army are at par and as such the Respondent-Commission has rightly considered the Respondent No.3 and 4 eligible for the post of Surveyor, Agriculture Department, Haryana against Advt. No.5/2007, Cat. No.6, dated 6.5.2007.

The explanation and the justification is found satisfactory.

Therefore, the appointment of the private respondents are not open to fault and they are in order. Besides, this petition was filed in the year 2008 (8 years ago) in a selection process pertaining to the year 2007 becoming a dead ball and at this stage challenge cannot be accepted as it would disturb settled rights to appointment and seniority which have accrued by passage of time. Therefore, I do not find any justifiable reason to interfere in the selection and appointment of respondent Nos.3 and 4.

Consequently, this petition fails and is dismissed.

09th August, 2016
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(RAJIV NARAIN RAINA)
JUDGE

Whether Speaking/reasoned

Yes/No

Whether reportable

Yes/No