

CWP No.17899 of 2012

#1# Manoj Kumar
2017.03.03 18:27
I attest to the accuracy and
integrity of this document

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17899 of 2012

Date of decision: 03.03.2017

Harsharandeep Singh

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Pankaj Jain, Advocate for the petitioner.

Mr. Harkesh Manuja, Addl.A.G, Punjab
for respondent Nos.1 & 2/State.

None for respondent No.3-Jatinder Singh.

Respondent No.4-Ramesh Kumar proceeded ex parte
vide order dated 19.11.2013 despite being served.

Jaswant Singh, J

Petitioner, who belongs to Scheduled Caste Category, is working as Electronics Instructor at Government Industrial Training Institute (W), Jagraon, was aspirant for the post of Assistant Director/Principal (Jr. Scale)/Manager Govt Works Centre. He by filing this writ petition, has prayed for issuance of a writ of Certiorari for quashing the impugned order dated 27.2.2012 (P.9) issued by respondent No.2-PPSC whereby his claim has been rejected; with a further prayer for quashing the selection/appointment of the selected candidates, namely, Jatinder Singh-respondent No.3 and Ramesh Kumar-respondent No.4 in the category of Scheduled Castes.

Learned counsel for the petitioner contends that the experience of the petitioner has been discarded by respondent No.2 solely on the ground that he was working on contract basis, which according to him is not in consonance with the Advertisement (P.6).

On the other hand, learned State counsel has argued that the candidature of the petitioner were rightly rejected and thus his name has been included in the provisional list of ineligible candidate at Serial No.105 as he was not having the requisite experience.

Heard learned counsel for the parties and perused the paper book with their able assistance.

This Court while issuing notice of motion on 12.9.2012, has ordered that appointment to the post in question against the reserved SC Category shall remain subject to the final decision of this writ petition.

Despite availing numerous opportunities, no reply on behalf of private respondent No.3-Jatinder Singh has been filed and a counter affidavit on behalf of respondent No.2-PPSC has been filed in this case.

Brief facts reveal that a requisition was received by respondent No.2-PPSC from department of Technical Education and Industrial Training, Govt of Punjab for recruitment of 12 posts of Assistant Director/Principal (Jr. Scale)/Manager Government Work Centre in the pay scale of Rs.10300-34800 (Grade Pay Rs.5000/-). Out of the above mentioned posts, two were meant for SC Punjab (one post reserved for B/M Sikh Punjab, if available).

The essential qualification for the post in question as per Advertisement dated 18.5.2011 (P.6) reads as under:

“ Essential Qualifications

Should have

(i) *xxxx xxxx*

(ii) *xxxx xxxx*

or

Should have

(i) *Diploma in Engineering or Technology in any discipline from a recognized Institution and*

(ii) *Six years experience in a Workshop or Industry or Factory registered under the Factories Act, 1948 or **Six years teaching experience in a Government recognized technical institution.***

(iii) *xxx xxxx*

It is not disputed that the petitioner is having a Diploma in Electronics to his credit and on the basis thereof, he was appointed as Instructor on contract basis on the post of Electronic Instructor in Electronic Workshops in Electronic and Communication Department of Baba Isher Singh Pol. Technic College, Dharamkot Road, Kot Ise Khan, Moga from 20.1.2003 to 05.9.2007 and was drawing a salary of Rs.3800/- (**P.1**). Thereafter the petitioner was appointed on the post of Electronic Instructor at Industrial Training Institute (W), Jagraon on a consolidated salary of Rs.7500/- per month vide order dated 25.8.2007 (**P.2**) and he worked as such from 6.9.2007 upto 06.6.2011 and from 01.6.2010, his salary was revised to Rs.10,000/- per month.

It is necessary to mention here that services of the petitioner were regularized as Electronic Instructor by the

Director, Technical Education, Punjab vide order dated 28.6.2011 (P.5) in pay scale of Rs.10300-34800/- plus Rs.3800/- Grade Pay. The petitioner applied under Scheduled Caste (Others) Category and after scrutiny, his candidate were rejected by respondent No.2 as he was placed in the list of ineligible candidates but the said list is not annexed by the petitioner for the reasons best known to him.

Aggrieved against the rejection of his candidature, the petitioner submitted a representation dated 13.2.2012 (P.8) to the Secretary of PPSC but after consideration of the same, the petitioner was informed vide communication dated 27.2.2012 (P.9) that "You are working on contract basis. Therefore, your experience is not liable to be accepted towards aforesaid post. In these circumstances, your representation has been rightly rejected by the Commission".

It transpires from para 6 of Preliminary Submissions of affidavit on behalf of respondent No.2-PPSC that eligible candidates were interviewed from 16.4.2012 to 20.4.2012 and thereafter merit list was prepared on 20.4.2012 (P.10) and the same was sent to the Department of Technical Education, Government of Punjab vide letter dated 25.4.2012. It has further been submitted in the affidavit that the record of the candidates, who are in the merit list, has already been sent to the Government for appointment vide communication dated 11.5.2012 and the present writ petition is filed on 11.9.2012 with fatal delay.

No doubt, the petitioner has impleaded respondent Nos.3 & 4 as party respondents, who have been selected and appointed

against two posts meant for SC Category being at Serial/rank No.34 and 48 of the merit list while securing 58.14 % and 56.72 % respectively. But it is necessary to mention here that there are other lot of candidates in the merit list from SC Category, who have not been impleaded as party respondents by the petitioner for the reasons best known to him and the detail of whom, as extracted from Combined Merit List (P.10) is as under:

<i>Sr. No.</i>	<i>Roll No.</i>	<i>Name</i>	<i>Category</i>	<i>Rank</i>
70	143	Ashwani Kumar	77	70
74	326	Ravinder Kumar	77	74
75	287	Parduman Singh	77	75
76	230	Jatinder Kumar	77	76
93	201	Harjinder Singh Lambay	77	93
95	118	Amarjit Singh	77	95
99	160	Chetna	77	99
120	142	Ashwani	77	120
126	378	Varinder Kumar	77	126
128	231	Jatinder Pal	77	128
131	373	Tejinder Kaur	77	131
141	212	Hemant	77	141
160	280	Onkar Singh	77	160
170	377	Varinder Kumar	77	170
183	165	Deepak Kumar Megh	77	183
186	252	Malkit Singh	77	186
187	147	Balbir Singh	77	187
189	347	Satwant Singh	77	189
193	193	Gurtej Singh	77	193
195	153	Balwinder Singh	77	195
196	310	Rajinder Kumar	77	196
199	148	Baljinder Singh	77	199
209	210	Harvinder Kumar	77	209
213	168	Dilbag Singh	77	213
216	356	Sohan Lal	77	216
217	345	Satish Chander	77	217
218	190	Gurpreet Singh	77	218
219	196	Gurvinder Singh	77	219
222	303	Raj Kumar	77	222
223	325	Ravi Kumar	77	223

<i>Sr. No.</i>	<i>Roll No.</i>	<i>Name</i>	<i>Category</i>	<i>Rank</i>
232	197	Hans Raj	77	232
233	239	Karnail Singh	77	233

Even in the prayer clause, there is no challenge to the combined merit list (P.10) and in the absence thereof, the same cannot be questioned or set aside. If that be so, the present writ petition is only an academic exercise as the petitioner has missed the interview at the relevant time and at this stage , he will not get anything particularly when there are so many candidates from the Scheduled Caste Category in the merit list, whose selection has not been challenged by the petitioner, even if he is held eligible by recognizing his submitted teaching experience as valid.

Thus, in view of the above, no ground is made out for interference.

Dismissed.

March 3rd, 2017
manoj

(JASWANT SINGH)
JUDGE