

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.15207 of 2017 (O&M)
Date of Decision: 25.07.2017

Gurinder Singh & another --Petitioners

Versus

State of Punjab and another --Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. H.C. Arora, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J

C.M. No.9905 of 2017

Application is allowed as prayed for.

The accompanying additional affidavit of the petitioner as also documents at Annexures P-9 and P-10 are taken on record.

Main Case

The Punjab Small Industries & Export Corporation Ltd. issued advertisement in the year 2016 inviting applications for recruitment to various posts including three posts of Junior Draftsman (Civil). One post was reserved for the Scheduled Caste category and two were to be filled up from the General category. The qualifications laid down for the post of Junior Draftsman (Civil) were as under:-

	Name of the post	Pay Band & Grade Pay	Educational Qualifications & Experience	Number of Posts
9.	Junior Draftsman (Civil)	10300-34800 3200	Diploma in Civil Draftsman awarded by the State Board of Technical Education or from any other recognized institution or possesses a diploma in 3 years course in Architectural Assistants by State Board of Technical Education.	3 (General-2; SC-1).

As per advertisement the scheme of selection comprised of a written test followed by counseling.

Petitioner no.1 herein belongs to the Scheduled Caste category and petitioner no.2 falls under the General category. Both the petitioners applied for the post of Junior Draftsman (Civil) and appeared in the written examination.

Counsel has adverted to the document placed on record at Annexure P-4 to assert that in the merit drawn on the basis of written examination, the name of petitioner no.1 figures at Rank No.1 in the Scheduled Caste category and the name of petitioner no.2 is at Rank No.2 in the General category.

The precise grievance raised in the instant petition is that the petitioners have not been issued appointment letters inspite of the ranking secured in the written examination ostensibly for the reason that they do not possess the Diploma in Civil Draftsman awarded by the State Board of Technical Education or from any other recognized institution.

Counsel argues that both the petitioners are degree holders having done Civil Engineering (B.Tech.). It is the assertion made by counsel that the petitioners in fact possess higher qualifications than the one prescribed in the advertisement and as such, cannot be denied appointment to the post having already secured the requisite ranking in the written examination. Counsel has also referred to a communication dated 14.12.2016 (Annexure P-9) from the General Manager (Personnel) of the respondent Corporation and addressed to the Chief Engineer, P.W.D. (B&R), Patiala and whereby while seeking clarification as regards the eligibility of the candidates like the petitioners, it has been conceded that

the petitioners possess higher qualifications than the basic qualifications prescribed in the advertisement.

In view of the facts and submissions noted herein above, I deem it appropriate to dispose of the present petition in terms of granting liberty to the petitioners to file a comprehensive representation as regards their claim seeking appointment to the post in question on the basis of qualifications possessed, within a period of one week from today. In the eventuality of any such representation being preferred, the Managing Director of the Punjab Small Industries & Export Corporation Ltd./respondent no.2 would be obligated to consider the same and to take a final decision as regards eligibility of the petitioners within a period of two weeks from the date of submission and to convey the same to the petitioners.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.07.2017

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No