

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

CWP No. 18873 of 2017

Date of Decision:08.11.2017

Meenakshi Gupta

.....Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Suresh Kumar Kaushik, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G., Haryana.

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner is seeking issuance of a writ of certiorari quashing the impugned notice, Annexure P-6, by which candidates competing for posts of Staff Nurses, to be appointed in the Department of Health, Government of Haryana, have been called for interviews on the basis of marks obtained by them in the written examination conducted in the selection process in question.

The contention of learned counsel is that she having answered 33 questions correctly, was to be awarded 66 marks for the written examination, each correct question carrying 02 marks, and she having 07 years experience as a Staff Nurse in a Government Hospital/Primary Health Centre, was to be awarded 14 marks for such experience, as per the criteria fixed by the respondents, duly uploaded on the website of the Commission.

Though the criteria contended to be uploaded has not been annexed with the petition, learned counsel for the petitioner has produced a copy thereof in Court today, that learned counsel for the State, on instructions, does not deny.

That being so, with it also not being denied that experience gained by the petitioner is actually not on the basis of any fabricated/false certificate, obviously the petitioner would be entitled to marks as per the criteria framed, in terms of the certificates issued to her as have been annexed collectively as Annexure P-4 with the petition, stated to have been duly submitted at the time of scrutiny of documents before the respondent-Commission.

As to why the respondents are not adding marks for experience to marks obtained in the written examination by each candidate, even after scrutiny of documents, is not understood, that action in the opinion of this Court being wholly irrational, in as much as, once the documents are scrutinized and accepted (subject to eventual verification), the marks would remain invariable in terms of the criteria itself. That is to say that if a person has gained 5 years experience and as per the criteria framed 2 marks have to be awarded for each of the experience, obviously such person would be entitled to 10 marks.

That being a predetermined fact that would not change at the time of interview, the said marks would need to be added to the marks obtained in the written examination, to determine as to

which candidates fall within the zone of consideration for being called for an interview for the posts in question.

A similar view has already been taken by this Court in the case of the selection process of Shift Attendants i.e. CWP No.18921 of 2017 and connected matters, decided on 14.09.2017.

It may be added here, that though even after scrutiny of documents, the certificates of any candidate may need to be eventually verified before an appointment is issued, that by itself would not disentitle a candidate to being awarded marks even at the pre-interview stage, because in any case even after the interviews are over, such marks are added at a stage when verification of certificates has not been undertaken. Thus if on the same basis, marks for experience are to be added after/at the time of interviews, without police verification of the documents including the experience certificates, that position does not change even at the pre-interview stage.

Consequently, this petition is allowed and the respondents are directed to calculate the marks to be awarded to the petitioner in terms of the certificates submitted by her pertaining to her experience, by applying the criteria uploaded on the website of the Commission, i.e. 2 marks to be given for each completed year of experience.

The said exercise be done by the respondents within a period of 2 months from the date of receipt of a certified copy of this order and the petitioners' merit be accordingly determined. If

she has obtained more marks than the last candidate called for an interview, she shall also be interviewed, after which her final marks shall be determined and the result declared accordingly.

The respondents would specifically inform the petitioner by way of e-mail/registered post, of the date of interview. If however, a large number of such candidates are found entitled to be called for interviews, thereby making it non-feasible to send individual letters for interviews, the announcement shall be made by way of a public notice in prominent newspapers circulating in the State of Haryana, as also on the website of the respondent Commission, giving at least 15 days time between the publication of the notice and the first date on which interviews are to be conducted.

In the meanwhile, the result of those already interviewed be not declared.

November 08, 2017

dharamvir

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO