

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.10754 of 2018 (O&M)
Date of Decision:8.10.2018

Sandeep

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Amit Jhanji, Advocate for the petitioner

Mr.Harish Rathee, Sr.DAG, Haryana

RAJIV NARAIN RAINA, J.

1. I have heard learned counsel for the parties and perused the paper-book.

2. The petitioner is placed in no better position than Mustakim in CWP No.202 of 2018 ('Mustakim vs. Haryana Staff Selection Commission and another' decided by me on 12th January, 2018) relating to the same Advertisement No.7 of 2015 dated 10th July, 2017 in Category No.22 i.e. The post of Station Supervisor. The order passed in the aforesaid writ petition reads as follows:-

“1.The OMR sheet has been produced in sealed cover together with the detailed marks sheet in a sealed cover for the post of Station Supervisor relating to advertisement No.7 of 2015 in category No.22. The same is returned after perusal. The petitioner has secured 120 marks in BC-B category whereas the cut off marks to be called for interview in this category is 110. The petitioner qualifies for interview but there is a snag. His experience w.e.f. May 25, 2010 to May 20, 2012 in a private transport cooperative society called The

Raniyala Khurd Co-operative Transport Society Limited, Hathin, District Palwal cannot be considered towards experience because the advertised essential qualifications for the post of Station Supervisor as re-advertised are:-

“E.Q. i) Graduate.

ii) Minimum five year experience in Motor Road Transport Government or Semi-Government Department or Public Undertaking.

iii) Hindi/Sanskrit upto Matric Standard or higher education.”

2. The rule debars the petitioner's experience in the private motor transport in view of Clause II to be counted for eligibility.

3. Accordingly, mandamus will not issue to the Haryana Staff Selection Commission to interview the petitioner.

4. Moreover, the clarification issued by the Director State Transport, Haryana, Chandigarh addressed to the Secretary, Haryana Staff Selection Commission, Panchkula vide memo No.5910/AE2/E2 dated August 18, 2017 (a copy of which is taken on record as Mark 'A') regarding experience for recruitment to the post of Station Supervisor clarifying in para.3 that the experience earned in Cooperative Transport Societies is not to be considered. Needless to say, the clarification is in tune with the advertised essential qualifications as contained in the 1995 rules of service governing the post of Station Supervisor. Eligibility would include the condition of experience as provided in the rules.

5. As a result, the petition is dismissed. However, in case the petitioner wants to challenge the rule and eligibility criteria he may do so.”

3. Both Mustakim and the present petitioner have relied on an experience certificate issued by a cooperative transport society, while the essential qualifications for the post of Station Supervisor are prescribed in the Haryana Transport Department (Group-C) Haryana Roadways Service Rules, 1995. Appendix “B” to the Rules provides experience of five years in Motor Road Transport Government, or Semi-Government Department or Public Undertakings for recruitment on direct basis. The Director State Transport, Haryana, Chandigarh vide letter dated 18th August, 2017 advised the Secretary, Haryana Staff Selection Commission, Panchkula that experience earned in Cooperative Transport Societies is not to be considered. In Mustakim’s case, supra, it has been held that Clarification dated 18th August, 2017 is in tune with the advertised essential qualifications as contained in the 1995 Rules of service governing the post of Station Supervisor. Eligibility would include the condition of experience as provided in the rules. Furthermore, a Cooperative Transport Society is not a public undertaking.

4. The post of Station Supervisor is a supervisory post which position has been clarified in the letter dated 4th July, 2018 (Annex. R2/1) issued by the Director General, State Transport Haryana, Chandigarh. Since the petitioner is not eligible to be considered for the post of Station Supervisor due to ineligibility regarding experience earned from a Cooperative Transport Society, he has no locus standi to challenge the select list and to call in question the Conductors not being eligible for consideration for the post of Station Supervisor.

5. In view of the above, I find no merit in this petition which fails and is dismissed.

8.10.2018
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No