

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-19362-2016 (O&M)
Date of Decision: 14.11.2018

Priyanka Rani --Petitioner

Versus

Food Corporation of India & others --Respondents

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

Present:- Ms. Shashi Himshikha, Advocate for
Mr. Rajeev Anand, Advocate for the petitioner.

Ms. Kaavya Jarial, Advocate for
Mr. Sumeet Goel, Advocate for the respondents.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner has filed the instant petition aggrieved of the action of the respondent-Food Corporation of India (herein after to be referred to as the Corporation) in not having selected and appointed her to the post of Assistant Grade-II (Hindi).

Brief facts of the case are that respondent-Corporation issued advertisement dated 14.2.2015 inviting applications for zone wise recruitment on a number of posts including Assistant Grade-II (Hindi). For the North Zone 18 posts of Assistant Grade-II (Hindi) were advertised and out of which 4 posts were reserved for the O.B.C category. The essential qualifications for the post of Assistant Grade-II (Hindi) were stipulated in the advertisement itself and were in the following terms:-

Post	Post Code	Qualifications/Experience
AG-II (Hindi)	D	Essential: 1. Degree of a recognized University with Hindi as the main subject. 2. Proficiency in English. 3. <u>One year experience of translation from English to Hindi and vice-versa.</u> Desirable:- Post Graduate qualification in Hindi.

The selection process comprised of a competitive written examination on the basis of which merit inter se candidates was to be drawn out and followed by a document verification process. The closing date for submission of application forms was 17.3.2015.

Pleaded case of the petitioner is that she being eligible for the post of Assistant Grade-II (Hindi), applied against O.B.C category and submitted her application form within the stipulated time frame. Petitioner duly appeared in the written examination conducted by the respondent authorities and in the result that was declared on 31.12.2015, her name figured at Sr. No.3 in order of merit amongst the O.B.C category.

Instant writ petition was filed raising a grievance that inspite of being eligible and having successfully negotiated the written examination and also having secured a sufficiently high order of merit, she has not been offered appointment to the post in question against the O.B.C category. Counsel states that the petitioner had even appeared in the document verification process and thereafter no reasons have been assigned and conveyed to the petitioner as regards denying to her appointment.

Upon notice of motion having been issued, a written statement of the A.G.M (Personnel), Food Corporation of India, Regional Office, Haryana at Panchkula, has been filed.

Counsel representing the respondent-Corporation has adverted to Annexure R-3 appended along with the reply and which would disclose the basis of non-selection of the petitioner. It has been recited in the communication dated 21.10.2016 (Annexure R-3) that candidature of the petitioner was rejected as the experience (teaching experience) furnished by her was not as per the advertisement.

The short issue, as such, which arises for consideration in this writ petition is as to whether the petitioner fulfilled the eligibility conditions contained in the advertisement for the post of Assistant Grade-II (Hindi) and particularly with regard to the stipulation as regards experience.

Admittedly, one of the essential conditions of eligibility contained in the advertisement for the post of Assistant Grade-II (Hindi) was to possess **one year experience of translation from English to Hindi and vice versa.**

It is the case of the petitioner herself that to fulfill and meet the afore-noticed essential condition relating to experience, she had relied upon two certificates dated 2.1.2013 issued by Nice Academy, Sirsa and dated 12.7.2014 issued by the Australian Academy, S.A.S. Nagar, Mohali and appended along with the petition at Annexure P-4 (colly).

Even though, in the written statement filed by the respondent-Corporation a doubt has been cast with regard to the authenticity of such certificates, yet, for the benefit of the petitioner, this Court would proceed on the assumption that such certificates are genuine.

In the first certificate dated 2.1.2013 issued by Nice Academy at page 62 of the paper book, it has been certified that the petitioner has worked with the institute from 1.11.2011 to 31.10.2012 and her job responsibilities included teaching students to translate English into Hindi and vice versa. Likewise, in the second certificate dated 12.7.2014 issued by the Australian Academy, it stands certified to a similar effect that the petitioner has worked from 1.7.2013 to 31.6.2014 and her job responsibilities included teaching students to translate English into Hindi

and vice versa.

The essential condition pertaining to experience contained in the advertisement was coined in clear and unambiguous terms. Requirement was for a candidate to possess one year experience of translation from English to Hindi and vice versa. Needless to observe that such experience had to be of the candidate herself or himself with regard to translation work. The certificates dated 2.1.2013 and 12.7.2014 relied upon by the petitioner at best reflect a teaching experience at the hands of the petitioner for students to translate English into Hindi and vice versa. Based on these certificates it may well be inferred that the petitioner possesses the skill of translation from English into Hindi and vice versa but such certificates do not spell out the period of experience that the petitioner may possess in translation work.

In matters of selection and appointment the terms and conditions contained in an advertisement have to be strictly adhered to. If a liberal and loose interpretation of such conditions was to be accepted and as is being canvassed by counsel for the petitioner, it would open a Pandora's Box and vest discretion with the selection agency and which would always be open to misuse and manipulation.

In any case it is not the case made out on behalf of the petitioner that she has been treated as ineligible on account of any ulterior motive. No malafides have been alleged pertaining to the selection process.

In view of the reasons recorded above, this Court does not find any infirmity in the decision taken by the respondent-Corporation in having treated the petitioner to be ineligible on account of not having met the eligibility conditions pertaining to experience for the post of Assistant Grade-II (Hindi).

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

14.11.2018
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No