

CWP No. 22401 of 2018

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No. 22401 of 2018

Date of decision : September 05, 2018

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Sukhvir Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Johan Kumar, Advocate for the petitioner.

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RITU BAHRI, J.

The petitioner is seeking writ of certiorari for quashing of appointment of respondent no.5 on the post of Fitter Instructor in view of inquiry report dated 8.6.2016 (Annexure P-5) conducted by respondent no.3 in this regard on the complaint made on behalf of the petitioner.

The Department of Technical Education, Haryana advertised posts of Instructors in various ITIs on contractual basis including the Government ITI (respondent no.4) in September 2010 and the petitioner

being fully qualified applied for the post of Fitter Instructor with respondent no.4-Institute and at the same time respondent no.5 also applied for the post of Fitter Instructor. A merit list (Annexure P-3) was prepared on 29.9.2010 by respondent no.4 and, thereafter, respondent no.5 was appointed on the post of fitter Instructor on contractual basis which was extended from time to time and ultimately his services were regularized w.e.f 28.5.2014 in pursuance to notification dated 20.6.2014 (regularization policy) by giving him benefit of experience on the above said post for which he had worked on contractual basis. Respondent no. 5 Rishipal Singh was at sr. no. 6 in the merit list dated 29.9.2010 (Annexure P-3) and got 52 marks and petitioner Sukhvir Singh was at sr. no. 16 and got 40.35 marks. Petitioner submitted a complaint to respondent no.2 complaining that the merit list was prepared by respondent no.4 by ignoring the relevant criteria for the selection of above said posts. Thereafter respondent no.3 was appointed as inquiry officer vide order dated 24.2.2016 and the inquiry report (Annexure P-5) was submitted on 8.6.2016, whereby the then Principal namely, Kitab Singh was held guilty under the above said inquiry for not following the required qualification/selection criteria while making the above said selection on the basis of merit list prepared on 29.9.2010. The petitioner also submitted one complaint dated 07.05.2015 to CM window and thereafter also served a legal notice dated 14.7.2017 (Annexure P-7) upon respondent no.2 requesting therein to take action for removal of respondent no.5 from the post of Fitter Instructor on the basis of inquiry report dated 08.06.2016 (Annexure P-5).

The grievance of the petitioner is that the merit list was not prepared by following the appropriate selection criteria.

A perusal of the inquiry report shows that respondent no.5 Rishipal Singh, Fitter trainer, had passed ITI (NCVT) in July 2006 and his experience was from 01.11.2006 to 23.7.2009 i.e 2 years + 8 months (State Industrial Training Centre, Merut) and CTI was done by him in 21.9.2010. It was further observed that experience of Rishipal was before doing CTI. The Principal ITI, Tohana accepted that the candidate was eligible but experience benefit (for extra 8 months) was not given. Whereas this candidate had also given application in the ITI, Bhedia Kheda and the ITI, Bhedia Kheda had given him 1.33 marks for experience. In this regard the complaint given by the complainant was found to be correct but the related candidate Sh. Rishipal had no fault in it. It was concluded that Principal, ITI, Tohana/Selection Committee was found to be guilty. As per the merit list (Annexure P-3), Rishipal Singh has not been given any marks for experience. Even the experience was before the date he did his CTI. Hence, in his case there is no fault in giving marks by the selection committee. Even the petitioner Sukhvir Singh has not been given any marks for experience. Hence the marks have been allotted for the essential qualifications 10, 10+2 and interview. Even in the interview, the petitioner has been given three marks and Rishipal Singh has been given 6 marks out of 10. Hence, in no category marks have been given wrongly to respondent no.5.

In view of all that has been discussed above, this writ petition is dismissed.

September 05, 2018
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No