

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

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**CWP No. 24259 of 2017 (O & M)
Decided on: 20.8.2018**

Rajender Sharma

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. G.S. Gopera, Advocate, for the petitioner

Ms. Palika Monga, DAG, Haryana

Ritu Bahri, J.(Oral)

Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to consider the candidature of the petitioner for the post of Water Pump Operator Grade-II (for short 'WPO-II'), under the Economically Backward Person General Category (for short 'EBPGC') being more meritorious.

Pursuant to the advertisement No. 7/2016 CAT No.30 dated 30.12.2016, the petitioner had made an application to the respondent in the category of Economically Backward Person General Caste Category (for short 'EBPGC') for the post of WPO-II. Out of total 681, 58 posts were kept reserved under this category. The petitioner was issued an admit card. He appeared for written examination on 7.5.2017 and secured 112 marks, as per Annexure P-4 collectively. Thereafter, he went for scrutiny of documents

along with his documents Annexure P-6 collectively. Thereafter, on 12.10.2017 as per the result published (Annexure P-7), candidates twice of the number of posts were called for interview but the the petitioner was not called for the interview despite securing 112 marks. The petitioner was having basic qualification along with higher qualification of 3 years Diploma Course in Electronics and Communication Engineering from Haryana state Board of technical Education (for short 'HSBTE').

The case pleaded by the petitioner is that as per the clarification issued by the Government of Haryana, General Administration Department (in General Services-II Branch) vide Notification No. 10/4/2015-3GSII dated 25.3.2016, if a candidate possesses higher qualification in the same line as prescribed in the minimum qualifications applicable to a particular post then he should be considered as eligible for that post. The necessary minimum qualification for the post of WPO-II was 2 years IT Course in Engineering whereas the petitioner was having higher qualification.

In the present case, notice of motion was issued on 27.10.2017 and thereafter, on 2.11.2017, the petitioner was directed to be interviewed provisionally by the respondent-Commission and his result was ordered to be stayed till further orders.

Today the petitioner, by way of CM No. 9401 of 2018, has placed on record some documents Annexure P-10 to P-16. As per final result (Annexure P-10) declared by the Commission in the EBP GC Category, the last candidate got 116 marks. As per Annexure P-15, information received under the RTI by the petitioner regarding qualification of candidates selected as WPO-II, shows that out of 11 persons, 8 persons are having Diploma Course in

the concerned trade, which is a higher qualification.

Today result of the petitioner is produced in a sealed cover and after opening the same in the Court, the petitioner found got 112 marks in written examination and 17 in interview, totalling to 129 marks, which are higher than the marks of the last candidate i.e. 116 marks.

Similar controversy has already been decided by this Court in the case of **“Sanjeev Kumar v. State of Haryana and another, CWP No. 25491 of 2017**, decided on 3.8.2018, which was also a case of Water Pump Operator. In the said case, Diploma Course of 3 years from the Punjab State Board of Technical Education and Industrial Training was taken to be as higher qualification.

Taking this qualification of Diploma Course of the petitioner to be higher qualification and in view of the letter dated 25.3.2016 (Annexure P-8), the present petition deserves to be allowed.

Accordingly, the present petition is allowed. The respondent No. 2 is directed to issue appointment letter to the petitioner for the post of WPO-II within 4 weeks.

(RITU BAHRI)
JUDGE

20.8.2018

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No