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

**CWP-24757-2017 (O&M)
Date of decision: 31.08.2018**

Hans Raj**...Petitioner**

Versus

Haryana Staff Selection Commission**...Respondent****CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Vishal Sharma Haritwal, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. AG, Haryana.

Ritu Bahri, J. (Oral).

The petitioner was an applicant against the post of Water Pump Operator under the BC-A Category against the Advertisement No. 7 dated 30.12.2016.

Vide order dated 01.11.2017, notice of motion was issued and the petitioner was directed to be interviewed provisionally, subject to the final decision of the present writ petition. However, the result has been brought in Court today itself (Annexure A-1). The petitioner has secured 122 marks out of 200 in written exam and in Viva voce he secured 15 out of 25, accordingly he has secured total marks 137 out of 225.

Learned State counsel submits that as per the result declared (Annexure A-2), the cut of marks are 121 and since the petitioner has obtained 137 marks, so he should be appointed to the post of Water Pump Operator.

Next question for consideration in this writ petition is as per the experience certificate of experience be filed, the petitioner has undergone the training in selection of Agricultural Equipment, usage, operator carrying and

maintenance and repairing of 5 horse power Diesel Engine.

Learned State counsel states that the petitioner as per advertisement (Annexure P-1), this certificate would make him eligible for the post of Water Pump Operator.

The perusal of Annexure P-1 shows that the eligibility conditions are as under:-

- (i) *“Matric with Hindi/Sanskrit;*
- (ii) *ITI Certificate in the trade of Motor/Tractor/Diesel Mechanic/Electric/Wireman”.*

The petitioner has two diplomas in his favour one is Annexure P-4 which is with regard to Senior Secondary Certificate Examination in Repair and Maintenance of Power Driven Farm Machinery i.e. +2 should be treated as Vocational Course and Annexure P-5 which is issued by North Zone Agricultural Machinery Training and Audit Department, Government of India Ministry of Agricultural (Agriculture and Cooperative Department) Tractor Nagar, Hisar (Haryana) which is as follows:-

“Tractor and Selection of Agricultural equipment, Usage, Operator carrying and maintenance and repairing of 5 horse power Diesel Engine.”

Hence, both the certificates would make him eligible as per II condition of the advertisement (Annexure P-1).

Learned counsel for the petitioner has further referred to RTI application dated 04.07.2018 whereby he has been informed that candidate at Sr. No. 16- Bhagwan Singh has got Diploma in Mechanical (FM) which is equivalent to Maintenance for Farm Machinery and keeping in view the fact that the petitioner is duly eligible as per the conditions of the advertisement (Annexure P-1), the respondents have not denied the appointment made as per Annexure P-7 to

Bhagwan Singh with Diploma in Mechanical (FM).

Keeping in view that the petitioner has got 137 marks in his examination which is far more than the last candidate who is selected as in BC Category, this writ petition is allowed and the petitioner is directed to be appointed accordingly within a period of one month.

The present writ petition is allowed.

31st August, 2018
shabha

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No