

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

**CWP No.3525 of 2017  
Date of decision: 17.12.2018**

**Gajraj**

**...Petitioner**

**Versus**

**State of Haryana and others**

**...Respondents**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Rahish Pahwa, Advocate,  
for the petitioner.

Mr. Harish Rathee, D. A.G., Haryana.

Mr. Sourabh Goel, Advocate,  
for respondent Nos. 2 and 3.

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**Ritu Bahri, J.**

Petitioner is seeking a writ of certiorari for setting aside the order dated 14.06.2016 (Annexure P-7), whereby his case for regular appointment pursuant to the letter/notification dated 13.08.2014 (Annexure P-10) on the post of Helper to the Water Pump Operator has been rejected.

Vide letter dated 13.08.2014 (Annexure P-10), the Additional Chief Secretary, Government of Haryana had written to all the Commissioners to Municipal Corporations, Haryana, Deputy Commissioners, Haryana, Administrative Officers of all the Municipal Councils and Secretary, Municipal Committees, Haryana, to fill up the vacancies of Safai Karamchari, Sewerman and Helper Tubewell Operators in the Municipal Committees in Haryana State. It was decided that there would be no criteria for educational qualification for the post of Safai

Karamchari and preference would be given to the employees/candidates,

who have minimum 10 years of work experience in Committees and the maximum age would be taken as 55 years. The object was to secure the services of those employees, who have been working in the Municipal Committees for a long time. Pursuant to this notification, petitioner participated in the interview and his case was rejected on the ground that he has not passed the 8<sup>th</sup> standard examination. He was 7<sup>th</sup> pass. Thereafter, the petitioner approached this Court by filing CWP No.4814 of 2016, which was disposed vide order dated 14.03.2016 (Annexure P-6) by giving direction to the respondents to decide the representation of the petitioner within a period of three months. Pursuant to the said direction, a detailed order rejecting the claim of the petitioner has been passed on 14.06.2016 (Annexure P-7).

Learned counsel for the petitioner has argued that before passing of the order dated 14.06.2016 (Annexure P-7), the petitioner had produced his certificate (Annexure P-3) showing that he had passed middle class examination in the year 1991 with Roll No.24 from the U.P. Board, Mathura.

While rejecting the claim of petitioner vide the impugned order dated 14.06.2016 (Annexure P-7), it has been observed that he had made a representation that he was 8<sup>th</sup> pass and submitted transfer certificate as proof. Same was sent by the said office to Zila Vidhayala Nirikshak, Mathura (U.P.) for verification vide letter dated 08.09.2014. Thereafter, Zila Vidhayala Nirikshak, Mathura (U.P.) vide its letter dated 29.09.2014 confirmed that this transfer certificate was issued by their office along with certificate submitted by the school. Even along with the written statement, respondents have placed on record letter dated 29.09.2014 (Annexure R-

2/1), whereby the District Schools Instructor, Mathura has informed to the Commissioner, Municipal Corporation, Faridabad that the transfer certificate of the petitioner has been attested by the said office. Hence, the transfer certificate is not being disputed by the respondents.

Keeping in view the above fact, the petitioner fulfills the qualification of being 8<sup>th</sup> pass. Hence, he is eligible for the post of Helper, Water Pump Operator and his case has been wrongly rejected by the respondents vide order dated 14.06.2016 (Annexure P-7).

Resultantly, this petition is allowed and the respondents are directed to issue appointment letter to the petitioner from the date when similarly situated persons (including juniors) have been appointed to the said post, along with all consequential benefits, as he was duly eligible on the said date.

17.12.2018  
ajp

(RITU BAHRI)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No