

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5083 of 2018

Date of Decision: 06.03.2018

Manish Kumar

... Petitioner

Versus

Haryana Staff Selection Commission and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Saurabh Arora, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner applied for the post of Shift Attendant advertised by the Haryana Staff Selection Commission, Panchkula competing under the Scheduled Caste category. In the online application form in the column "Other Details" he responded in the affirmative to the query whether the Industrial Training Institute course in the relevant trade possessed by the petitioner was for the study duration of 2 years. The petitioner qualified the trade test of Wireman from Government Industrial Training Institute, Barara at Holi. The period of training was from August 2010 to July 2012. The certificate dated November 21, 2012 is at Annex P-4 at p.28 of the paper-book. In addition, the petitioner has obtained the Provisional National Trade Certificate from Industrial Training Institute, Ambala City again in the trade of Wireman and that certificate is dated August 01, 2013. The certificates have been issued by the Department of Industrial Training, Haryana and are legal and valid documents. The petitioner holds both the State Level and the

National Level certificate in ITI Wireman trade. In the light of these documents, his candidature is an perfectly order. Essential qualifications in the advertisement No.3 of 2016 was *inter alia* two years ITI Course in Wireman Trade.

2. The only objection raised by the Commission is that the period of two years is not mentioned in the certificate (Annex P-5) while the State level certificate impliedly confirms the fact that the petitioner holds the Industrial Training Institute course certificate of a duration of two years which was the the prescribed essential qualification.

3. The argument advanced by the respondents that the State Level Certificate was not produced at the time of scrutiny is much too technical and myopic an argument to sustain, which if used, will not promote the cause of doing substantial justice.

4. The petitioner has a right of consideration to be tested in the interview process which is currently in progress.

5. Accordingly and as a result of the above facts, the writ petition is allowed. The decision holding the petitioner ineligible and not qualifying him for interview is quashed. The petitioner will be interviewed and his result declared in his category as per merit along with the rest of the candidates.

(RAJIV NARAIN RAINA)
JUDGE

06.03.2018
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Whether speaking/reasoned Yes

Whether reportable No