

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5307 of 2018

Date of Decision: 16.07.2018

Tarun Aggarwal

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Rajiv Sidhu, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner may be qualified to hold the post of Supervisor with the Diploma/Degree in Automobile Engineering but for the post of State Cold Chain Officer (SCCO) the essential qualifications in advertisement dated September 10, 2014 is B.E./B. Tech in Mechanical/B.Tech. in Electrical with minimum 2 years experience in reputed company/govt./semi govt. sector in maintaining & supervising the electrical and cold chain equipments like WIC/WIF/ILR/DF stabilizers etc.

2. The petitioner worked as a Supervisor till 2016 where after he was disengaged from service. The advertisement dated September 10, 2014 issued by the National Health Mission, Haryana in the Health Department led to the selection of one person as SCCO but he joined and soon thereafter left service creating a vacancy.

3. It is against this vacancy the petitioner has built his case for appointment as a SCCO. He has made a representation to the Government.

Such a representation is not statutory and State is thus not bound to decide

the same. In any case, he does not possess the essential qualifications for the post of SCCO and, therefore, the document appended in support of his case being a letter dated December 09, 2006 from the Visvesvaraya Technological University, Belagavi, Karnataka sent to the petitioner under the subject "To whomsoever it may concern." The Registrar of the University has certified that B.E. Automobile Engineering degree conferred on the petitioner is academically equivalent to B.E. Mechanical Engineering in all the cases except for recruitment to teaching career as per University Resolution No.2.9 dated May 29, 2006. The additional document relied upon by the petitioner has been produced at Annex P-8 by way of a civil miscellaneous application. This is a letter dated March 27, 2018 issued by the Director Administration, National Health Mission, Panchkula addressed to all Civil Surgeons in Haryana requesting them to comply with the instructions by advising them to adjust the staff with similar basic qualification against the vacant posts in any scheme/programme funded under NHM including for the Disease Control Programme, RNTCP etc. whose age is less than 62 years. For appointments in the State of Haryana the value of the certificate from the University is not of binding force. One has to go by the advertised qualifications in which distinction has been made in the same advertisement between Mechanical and Automobile Engineering for different posts i.e. State Cold Chain Officer and Supervisor.

4. Accordingly, a direction will not be issued under Article 226 of the Constitution to the respondents to either decide the representation or entertain the petitioner's claim for appointment. The respondents were under no bounden legal duty to take action on a non-statutory representation. The

request for a decision on the representation made by the counsel without legal foundation is declined.

5. The petitioner cannot claim as a matter of right an appointment under a dead advertisement or in the wake of it.

6. Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

16.07.2018
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Whether speaking/reasoned	Yes
Whether reportable	No