

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 22.03.2018****CWP No.7273 of 2018**

Balbir Singh Chauhan

...Petitioner

Vs.

The State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.K.Liberhan, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner's best foot forward was an experience certificate (Annex P-6) to be eligible for the post by way of direct recruitment, which deserves to be reproduced. The same reads as follows:

“HARYANA STATE COUNCIL FOR CHILD WELFARE
Bal Vikas Bhawan, Kothi No.650, Sector 16-D, Chandigarh

Sr.No.6849Dated: 16.01.2017

Governor, Haryana
Director

Lady Governor
Vice President

Chief Minister, Haryana
Vice President

Smt. Aasha Hooda
Vice President

Smt. Santosh Atreja
Secretary General

TO WHOM IT MAY CONCERN

This is to certify that Sh. Balbir Singh Chauhan was appointed against the post of Programme Officer on consolidated salary of Rs.4000/- per month and he joined against the said post on 25.01.2001. He was given running pay scale w.e.f. 01.03.2003 and was in the pay scale of Rs.9300-34800/- + GP of Rs.4200/- and presently posted at District Council for Child Welfare, Kaithal. His

basic pay is Rs.22,020/-. His work and conduct during the service period has remained satisfactory.

Sd/-
Senior Child Welfare Officer,
for Honorary General Secretary

Sh. Balbir Singh Chauhan,
DCWO, DCCW,
Kaithal.”

At best, the experience gained was as a Programme Officer, which the certificate does not attest or acknowledge as being ‘field experience’. The essential qualifications prescribed in Advertisement No.8 (8) of 2016 dated 08.02.2016 for the post of District Welfare Officer (Group-B) in the Welfare of Scheduled Castes and Backward Classes Department, Haryana was a Master’s degree from a recognized University in Social Work or Sociology or Economics with five years “field experience” in the Development or Welfare Department of the Central or any State Government.

The Haryana Public Service Commission has rejected the candidature of the petitioner vide order dated 19.09.2017 (Annex P-7) on the ground that the petitioner did not submit/attach the experience certificate with the application form and “unsigned application form” [grammatical error notwithstanding]. However, the Commission gave an opportunity to the petitioner in case he had documentary proof/evidence against the proposed action of declaration of ineligibility, he could make a representation within 10 days of the issuance of the communication. The petitioner responded vide Annex P-8 stating as follows:

“Sir,

In view of above cited subject that through your letter Sr.No.RGSS/2015/11034 dated 19.09.2017, I have been called to deposit Experience Certificate along with Application Form affixing my signature, which I have deposited duly as dasti to the office of

the Haryana Public Service Commission, Panchkula (Haryana). It is before you honour, you may please effort to accept it.”

The representation was considered by the Commission in its order dated 24.01.2018 (Annex P-9) and again came to the view that the candidature had been rightly rejected earlier as the candidate did not possess the requisite experience i.e. Five years field experience in the Development or Welfare Department of the Central or any State Government as per advertisement. There can hardly be any manner of doubt that the experience certificate relied upon by the petitioner is not proof of five years field experience in the area demanded by the advertisement and, therefore, the Commission has committed no error in rejecting the candidature of the petitioner.

No other point was argued and pressed at the hearing.

Besides, it is highly doubtful, as to whether the petitioner holds even the essential educational qualification of Master's degree from a recognized University in Social Work or Sociology or Economics. The petitioner has obtained Master's degree from Vinayaka Missions University, Salem. In all probability, he obtained it by the distance education mode because he has been in service and could never have attended regular classes on campus lying at such great distance from Haryana. It is well known to law that essential qualifications and the terms and conditions of the advertisement cannot be relaxed and has to be read strictly by the letter of the rule which prescribes them. As to what a Programme Officer does specifically in the Council is not pleaded in the petition to know its nature, in terms of duties and responsibilities attached to the post and how are they connected to experience in the “field” or merely is it a routine office job.

For the reasons recorded above, I find that no ground for interference is made out or error committed by the respondent Commission to intervene in the selection process of a District level superior post and would accordingly dismiss this petition.

22.03.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>