

CWP-11463-2018 (O&M)

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

**CWP-11463-2018 (O&M)
Date of decision : 17.07.2019**

Satender Jain

... Petitioner(s)

Versus

Haryana Staff Selection Commission and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.N. Sharma, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. Manpreet Ghuman, Advocate for
Mr. Prateek Mahajan, Advocate
for respondent No.2.

AMIT RAWAL, J. (ORAL)

Prayer in the present writ petition is for issuance of a writ in the nature of *certiorari* quashing the action of the respondent in not calling the petitioner for interview/viva voce for the post of Field Inspector (Store), after having secured 176 marks, much less, degrees of BCA (Bachelor of Computer Application) and MCA (Master of Computer Application).

Mr. R.N. Sharma, learned counsel for the petitioner submitted that the respondent(S) has issued advertisement dated 02.12.2016 (Annexure P-1) for filling up 55 posts of Field Inspector (Store) under Category No.56. The essential qualification for the said post is as under:-

" (i) Graduate from recognized University.

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(ii) Minimum one year diploma in computer from the recognized University/Institute.

(iii) Knowledge of Hindi/Sanskrit upto Matric standard or Higher Education."

The petitioner, having following qualification, applied against 8 posts of Field Inspector (Store) under General Category:-

" (i) Secondary Examination passed on April 17, 2008 by securing 368 marks with final GPA 08.40 from Board of School Education, Haryana.

(ii) Senior Secondary Certificate passed in March, 2010 by securing 322 marks with final GPA 06.20 from Board of School Education Haryana.

(iii) Bachelor of Computer Application Semester 01, 02, 03, 04, 05, 06, on May, 2013 by securing 2915 marks out of 4800 from Kurukshetra University, Kurukshetra.

(iv) Master of Computer Applications Semester 03, 04, 05, 06 on June, 2016 by securing 1002 marks out of 1700 from Kurukshetra University, Kurukshetra".

The petitioner remained successful in the written examination and was called for scrutiny of documents on 09.08.2017. Since the petitioner did not possess the degree of B.A., was not called for interview. The degrees of BCA and MCA possessed are of higher qualification than B.A, thus, the action of the respondents is wholly preposterous and fallacious.

Learned counsel for the respondents submitted that the degrees of BCA and MCA are not requisite qualification as per the selection criteria and rightly so, name of the petitioner did not figure in the merit list or called for interview, but final result has not so far been declared.

I have heard learned counsel for parties and appraised paper book.

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This Court, vide order dated 07.05.2018, allowed the petitioner to be interviewed provisionally subject to final decision of the writ petition.

Holding of degrees of MCA and BCA is not in dispute. In my view, the petitioner is having Bachelor of Computer Application as well as Master of Computer Application, which are higher qualification than Bachelor of Art (BA), therefore, his candidature could not be rejected. The authorities, who are at the helm of affairs, are required to apply their mind in a most pragmatic manner, for the purpose of raising objection or otherwise, while examination the qualification certificates of the candidates, thus, in my view, the reasoning of the authorities rejecting the degrees of BCA and MCA equivalent to BA, is wholly arbitrary and fallacious. Since the petitioner has already been interviewed provisionally, his name shall be considered for the final result.

With the aforesaid observations, the present writ petition stands disposed of.

17.07.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No