

CWP-29849-2017 (O&M)

106

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

**CWP-29849-2017 (O&M)
Date of decision : 04.07.2019**

Sukhchain Singh and others

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Kanhiya Soni, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

AMIT RAWAL, J.

CM-8785-2019

This is an application for preponement of the date of hearing from 23.10.2019 to any early date.

For the reasons stated in the application, which is supported by an affidavit, the same is allowed and the hearing of the writ petition is preponed to be taken up today, itself.

MAIN CASE

The petitioners have approached this Court under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari*, quashing the impugned list dated 12.08.2017 (Annexure P-4) issued by respondent No.2, whereby they have not been called for interview in the process of selection for the posts of Shift Attendant in HVPNL/UHBVNL/DHBVL.

It was alleged that in pursuance to advertisement No.3/2016

CWP-29849-2017 (O&M)

issued by Haryana Staff Selection Commission for filling up the posts of Shift Attendant in UHBVNL/HVPNL/DHBVNL, the petitioners being eligible, applied for the same against their respective categories and sat in the written examination held on 29.05.2016. The answer keys were uploaded by respondent No.2/HSSC after few days of the written examination. The cut off for SC and BC-A Categories was 70 marks and 74, respectively. On 30.04.2017, the result was declared and the petitioners were declared successful. They being successful candidates attended scrutiny of documents as per Schedule notified. On 12.08.2017, respondent No.2/HSSC published notice for interview for the aforesaid post, but the petitioners were astonished in not finding their names in the list of roll numbers uploaded for the interview schedule. In this regard, the petitioners submitted representation dated 01.09.2017 (Annexure P-5), but no action has been taken so far.

Mr. Kanhiya Soni, learned counsel appearing on behalf of the petitioner submitted that action of respondent No.2 is palpably arbitrary and erroneous as it is in violation of Article 14 of the Constitution of India. As per short reply filed on behalf of respondent No.2, petitioner Nos.1, 3 & 4 have obtained marks as 66, 66 and 72, respectively, whereas petitioner No.2 has secured 82 marks, having more than cut off, but no reason has been assigned by respondent No.2 in not calling for interview.

Ms. Palika Monga, DAG, Haryana, representing the respondents/State submitted that petitioner Nos.1, 3 & 4 were having less than cut off marks, whereas petitioner No.2 was considered ineligible at the time of scrutiny of documents as had attached Certificate of ITI in Electrician Trade issued by the Department of Industrial Training, Haryana,

CWP-29849-2017 (O&M)

in which, duration of period of the course was wanting, whereas, the advertisement prescribed two years ITI course. No such document, in this regard, has been placed on record, therefore, rightly so, the petitioners were found unsuccessful for interview, thus, urges this Court for dismissal of the present writ petition.

I have heard learned counsel for parties, appraised paper book and of view that there is no force and merit in the submissions of Mr. Soni. Since petitioner Nos.1, 3 and 4, were having less than cut off marks, therefore, no case qua them is made out.

As regards the case of petitioner No.2-Kuldeep, though he obtained more than cut off marks, but certificate viz-a-viz two years ITI course is required, which has not been placed on record, even with the present writ petition. There is no compliance of minimum requirement of two years ITI course and rightly so, he was not found eligible for interview.

Keeping in view the above, the present writ petition is devoid of merit and the same is hereby dismissed. Consequently, the accompanying applications are also dismissed.

04.07.2019

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**