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

CWP No. 9548 of 2020

Date of Decision: 14.09.2020

Harjinder Singh

-Petitioner

Vs

Punjab State Power Corporation Limited and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Peeush Gagneja, Advocate,
for the petitioner.

Mr. Sehajbir Singh, Advocate,
for the respondents.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks issuance of a writ in the nature of mandamus directing the respondents to consider the candidature of the petitioner being meritorious on the basis of his corrected experience of 1825 days instead of 730 days.

Learned counsel for the petitioner submits that infact on the date of scrutiny i.e. 10.12.2019, a proforma duly filled by the petitioner was available before the authority in which experience of the petitioner was mentioned as 1825 days after Apprenticeship. A formal application to that effect for correcting

the mistake committed by the petitioner in his form No.295/19 ALM was filed on 06.01.2020.

Notice of motion was issued on 14.07.2020, by passing the following order:-

“The case has been taken up for hearing through video conferencing.

Only grievance of the petitioner is that in the application form for the post of Assistant Lineman, the experience of 730 days has been inadvertently filled by the petitioner. Infact, the petitioner is having total experience of 1825 days. The aforesaid inadvertent mistake was brought to the notice of the respondent at the time of checking of the documents. Petitioner had applied for the post of Assistant Lineman in pursuance of advertisement issued by the Department under BC category. Petitioner fulfills all the necessary criteria/qualification for being appointed as Assistant Lineman, however, the requisite experience has been wrongly mentioned as 730 days in place of 1825 days.

Petitioner seeks correction in the application form to that extent.

Precisely for the grievance in question, a representation was made by the petitioner on 06.01.2020 before respondent No.1, but the same has not been decided so far.

Notice of motion for 22.07.2020.

Liberty is granted to serve the

respondents through Electronic mechanism.”

In response to the aforesaid order, written statement has been filed by respondents No.1 and 2. Para no.8 of the preliminary submissions reads as under:-

“8. That it is most respectfully submitted that the respondent-corporation being a public sector undertaking and an instrumentality of the State has to act in a fair manner. There are numerous candidates who had asked for alteration in their experience, however, in light of the conditions of the advertisement the same has been rejected as was done in the case of the petitioner. The petitioner cannot be treated as a special case and be allowed to be governed by a different set of conditions, than the remaining candidates whose request for change of experience days has been rejected.”

Respondents have taken a categoric stand that in the light of conditions of advertisement, they have rejected the applications of numerous candidates for alteration of their experience.

As per general terms and conditions of the advertisement i.e. Clause 8, Sub-clause iv, if a candidate fails to mention any experience related to serial no.(iii) of Basic and professional qualification and pay scale in the prescribed column of Online application form, then no such experience will

be entertained at any stage.

Learned counsel for respondents No.1 and 2 further submitted that the case of the petitioner cannot be treated as a special case to be treated differently by making a separate category to be governed by different sets of conditions, particularly when the claims of similarly situated candidates have been rejected. Petitioner has not countered the stand of the respondents by filing any replication.

In view of conditions of advertisement, which in any case is like a complete code, no indulgence can be granted in favour of the petitioner.

This writ petition is devoid of merits and is accordingly, dismissed.

14.09.2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No