

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

CWP-15236-2020 (O&M)
Date of decision : 25.09.2020

Jamil

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Samarth Sagar, Addl. A.G. Haryana.

ANIL KSHETARPAL, J. (ORAL)

The petitioner has invoked the extraordinary writ jurisdiction of the Court for issuance of a writ of mandamus directing the respondents to appoint the petitioner as Clerk. The Haryana Staff Selection Commission issued a recruitment notice vide Advertisement No.5 of 2019 inviting applications for 4858 posts of Clerks of Group- "C" by way of direct recruitment..

As per the case of the petitioner, he secured 59 marks out of total 90 marks in the competitive examination. He further claims that he is entitled to additional 5 marks on account of socio-economic criteria. Thus, total marks obtained by the petitioner comes to 64 marks. The petitioner further claims that he is entitled to 1.5 marks on account of 2 ½ years experience.

Keeping in view the claim of the petitioner, Mr. Samarth Sagar, Addl. A.G. Haryana, who had appeared pursuant to the service of an advance notice of the petition, was requested to assist the Court.

It has been brought to the notice of the Court that as per para 2.3(d) of the recruitment notice, a candidate is entitled to additional 0.5 mark for each year's experience or part thereof exceeding six months, if it is on a higher or same post, gained while serving in any Department/Board/Corporation/Company/StatutoryBody/Commission/Authority of Government of Haryana. He has pointed out that in para 9, the petitioner claims that he worked as a Computer Operator in the office of District Information Technology Society, Hisar from 01.08.2015 to 28.02.2018. It has been pointed out that the post of Computer Operator is neither of the same rank/level nor it is higher than a clerk.

At this stage, it would be appropriate to extract Clause 2.3(d) of the Advertisement:-

“2.3(d):- Experience:- One half (=0.5) mark for each year or part thereof exceeding six month of experience, out of a maximum of sixteen years, on the same or a higher post in any Department/Board/Corporation/Company/Statutory Body/Commission/Authority of Government of Haryana. No marks shall be awarded for any period less than six months. (A maximum of 8 marks)”

Learned counsel for the petitioner, on being confronted with the arguments of learned counsel for the State, has submitted that the petitioner has worked in District Information Technology Society as a Computer Operator and, therefore, he has gained experience while working in a

Government Sector.

This Court has considered the submissions.

The recruitment notice provides that the candidate is required to have experience either on the same or on higher post than the post advertised i.e. Clerk Group “C”.

Learned counsel for the petitioner failed to bring to the notice of the Court, any material to prove that the post of Computer Operator is of the same rank or of a rank higher than the post of clerk group “C”.

Keeping in view the aforesaid facts, there is no ground to interfere.

Accordingly, the present petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of in view of the above-stated order.

25.09.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No