

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

CWP No.17038 of 2019

Date of Decision : 06.03.2020

Joginder Singh

...Petitioner

Versus

HSSC

....Respondent

Coram : Hon'ble Mr. Justice B.S.Walia

Present: Mr. Sushil Jain, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

B.S.Walia, J. (Oral).,

1. Prayer in the petition under Article 226 of the Constitution of India is for the issuance of a writ of Certiorari for quashing the action of the respondents in not considering the claim of the petitioner for appointment to the post of Auction Recorder by not calling him for interview despite the fact that the petitioner had secured more marks than the cut off marks in the general category for being called for interview.

2. Brief facts of the case leading to the filing of the writ petition are that the respondents vide advertisement Annexure P/1 dated 10.07.2015, invited applications for 269 posts of Auction Recorder. Essential qualification's for the same as stipulated in the advertisement are reproduced as under :-

“i) Graduation with 50% marks from a recognized university or its equivalent with six months certificate in computer from a recognized institution.

ii) Hindi/Sanskrit upto Matric Standard or higher education.”

3. Petitioner claiming to be fulfilling the eligibility conditions applied for the same and appeared in the screening test and successfully cleared the same. As per the assessment of the petitioner, the petitioner was entitled to 156 marks, but despite that he was not called for interview although candidates with 138 marks had been called for interview.

4. In the aforementioned circumstances, the petitioner invoked the jurisdiction of this Court. While issuing notice of motion for 18.07.2019, the respondents were directed to interview the petitioner on provisional basis. On 20.01.2020, result of the petitioner was produced in sealed cover which revealed the petitioner to have secured 154 out of 200 marks in the written examination and 11 out of 25 marks in the viva voce. As per the reply filed by the respondents, the petitioner did not possess the requisite qualification of having six months certificate in computer from a recognized institute for the post in question, as the certificate was issued by one C. Point Computer which was not recognized institute for the post of Auction Recorder. Learned Sr. DAG, Haryana, states that a perusal of the certificate relied upon reveals that the diploma was in the subject of Financial Accounts and the mere fact that said diploma was done on a computer did not confer eligibility on the petitioner nor it could be said that in the circumstances the petitioner had done a six months certificate course in computer from a recognized institute.

5. Learned counsel for the petitioner has not been able to controvert that the certificate issued by C. Point Computer relied upon by the petitioner in support of fulfilling the stipulated qualification is not a diploma in computer but in the subject of financial accounts although the course of study may have been on a computer.

6. Without going into the question as to whether the petitioner fulfills the qualifications of having the requisite computer certificate, claim of the petitioner cannot be accepted for the simple reason that the certificate has not been issued by an institute recognized as per list Annexure R1/1. In the circumstances, no grounds exist warranting interference with the action of the respondents in treating the petitioner ineligible for the post of Auction Recorder. Accordingly, finding no merit in the writ petition, the same is dismissed.

(B.S.Walia)
Judge

06.03.2020.

rajesh.k.khurana

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No