

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

**CWP No.23853 of 2018
Date of decision :20.01.2020**

Tarsem Chand

.....Petitioner

Vs.

Haryana Staff Selection Commission

.....Respondents

CORAM: HON'BLE Ms. JUSTICE RITU BAHRI

Present:- Mr.G.S.Gopera, Advocate, for the petitioner.

Mr.Kiran Pal Singh, AAG, Haryana.

RITU BAHRI, J. (ORAL)

The present writ petition has been filed for quashing the impugned order dated 25.05.2018 (Annexure P-8) whereby, the claim of the petitioner to the post of Water Pump Operator Grade-II, under EBPG, Category has been rejected.

As per case of the petitioner, he has got 140 marks and the last candidate in general category has secured 132 marks and thus, petitioner has got 8 marks higher than the last candidate. Learned counsel for the petitioner states that as per advertisement in the present case issued on 30.12.2016 (Annexure P-1), the closing date for submission of application form was 15.02.2017. As per matriculation certificate of the petitioner (Annexure P-2), his date of birth is 20.11.1976 and on the last date for submission of the application form, he was 41 years of age and upper age limit in the general category is 42 years. As per advertisement for the post of Water Pump Operator Grade-II, the age limit is 17 years to 42 years. At that time, the age of the petitioner was 41 years but he has not taken benefit of any age relaxation being a candidate under the EBPG category having

higher marks of the last candidates selected in the general category. Hence, the writ petition deserves to be allowed.

As per short reply filed by the Haryana Staff Selection Commission-respondent No.1 in paragraph No.5, petitioner did not possess the requisite qualification for the said post. He had attached the certificate of ***Rep & Maint. Of Power Driven Farm Machinery*** (Annexure P-2) which is not valid qualification for the said post as ITI certificate in the trade of Motor/Tractor/Diesel was required. The stand taken in paragraph 5 of the reply dated 24.12.2019 has already been considered by this Court in the judgment rendered in the case of **Hans Raj Vs. Haryana Staff Selection Commission passed in CWP No.24757 of 2017 (O&M) on 31.08.2018**(Annexure P-10) with respect to same selection process.

Petitioner has placed on record certificate Annexure P-2 on page 32 of the paper book which has been issued by Board of School Education Haryana and Senior Secondary Certificate Examination. He has passed this examination in ***Rep & Maint. Of Power Driven Farm Machinery***. The theory papers consists of BFC (Engg.), Fabrication & Machining Processes, Plant Protection Irrigation, Harvest & Thresh Machinery and Management of Farm Power and Machinery and this is a course of one year.

This Court in **Hans Raj Vs. Haryana Staff Selection Commission passed in CWP No.24757 of 2017 (O&M) on 31.08.2018** (Annexure P-10) has considered the same selection process and considered the certificate issued by the same institute in Repair and Maintenance of Power Driven Farm Machinery to be equivalent to Maintenance for Farm

per the conditions of the advertisement (Annexure P-1), the writ petition was allowed. It was not a case where the respondent filed any LPA and judgment has been stayed.

Keeping in view the final result Annexure P-5, the last candidate in general category has secured 132 marks and the petitioner has secured 140 marks and when the result was open by this Court on 14.01.2020, the petitioner was found eligible as per eligibility qualifications considered in the judgment (Annexure P-10) passed by this Court .

Accordingly, the writ petition is allowed and direction is being issued to the respondents to recommend the name of the petitioner under general category within a period of two weeks and thereafter, appointment letter be issued to the petitioner by the appointing authority within a period of four weeks from today.

20.01.2020
anil

(RITU BAHRI)
JUDGE

Whether speaking/reasoned = Yes/No.
Whether reportable= Yes/No.