

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

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CWP No.27208 of 2018

Date of Decision : 05.03.2020

Smt. Raj Kala

....Petitioner

v/s

State of Haryana and another

....Respondents

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

Present: Mr. Jasbir Singh Ahlawat, Advocate for the petitioner.
Mr. Harish Rathee, Senior DAG, Haryana.

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

[1] Prayer in the petition under Articles 226/227 of the Constitution of India, is for the issuance of a writ of mandamus for directing respondent No.2 to allow the petitioner to participate in the interview for the post of Mandi Supervisor-cum-Fee Collector in the Haryana State Agriculture Marketing Board advertised vide Annexure P/1.

[2] Brief facts of the case, leading to the filing of the writ petition are that the petitioner applied for the post of Mandi Supervisor-cum-Fee Collector in Haryana State Agriculture Marketing Board in response to advertisement (Annexure P/1) in the category of General Ex-servicemen on account of being dependant of ex-serviceman and appeared in the written examination conducted on 28.05.2017. As per the petitioner's self assessment, she was entitled to minimum of 96 marks in the written examination and in view of 09 posts of Mandi Supervisor-cum-Fee Collector having been advertised in the General ESM Category, 18 candidates i.e. twice the number of posts advertised

called having secured 80 marks, therefore, in the aforementioned circumstances, the petitioner invoked the jurisdiction of this court by way of the instant petition. While issuing issuance notice of motion on 15.11.2019, the petitioner was directed to be provisionally interviewed but her result was ordered to be kept in a sealed cover. Result of the petitioner has been produced in sealed cover, which on opening reveals her to have secured 110 out of 225 marks as against the last selected candidate in the same category having secured 101 marks. However, reply has been filed taking up the stand that the petitioner does not fulfill the qualification advertised as she does not possess a Certificate in Computers from a recognized institution. Essential qualification as per advertisement (Annexure P/1) is as under :-

- “E.Q. i) Graduation with 55% marks from a recognized University with six months certificate in computer from a recognized Institution; and*
- ii) Hindi/Sanskrit upto Matric Standard or higher education.”*

[3] Learned counsel for the petitioner on the other hand has referred to the detailed marks card of 2nd semester of the year 2008-09 of B.Sc. (Hons.) Home Science of the 3rd year, in which out of 11 subjects, one of the subjects in which the petitioner underwent study was Elementary Computer Aided Designing. Duration of the semester is stated to be 06 months. Learned counsel for the petitioner has also referred to Annexure P/7 i.e. Detailed Marks Card of 01st semester of the year 2013-14 of Post Graduate Diploma in Human Nutrition and Dietetics i.e. of duration of 06 months, in which out of the 05 subjects taught, one of the subject taught was Computer Science. Lastly,

dated 10.05.2012 issued by Gurukul Technical Institute certifying the petitioner to have attended Advance Course in Computer Application of 06 months duration.

[4] *Per contra*, learned Senior Deputy Advocate General, Haryana, has referred to the list of recognized Computer Diplomas for the post of Mandi Supervisor as contained in Annexure R-2/2 to contend that the name of the institute from where the petitioner did 06 months diploma course is not recognized by the competent authority and neither are the institutions from where the petitioner passed her B.Sc. in Home Science / Post Graduate Diploma in Human Nutrition and Dietetics with the subjects of Elementary Computer Aided Designing and Computer Science in 02 of the semesters, recognized institutions in terms of Annexure R-2/2. Besides, said subjects were not the exclusive course of study in said semesters.

[5] I have considered the submissions of learned counsel for the parties.

[6] Admittedly, the qualifications stipulated for the post of Mandi Supervisor-cum-Fee Collector is Graduation with 50% marks from a recognized University with 06 months certificate in computer from a recognized institution. The certificates of two different semesters of B.Sc. Home Science/ Post Graduate Diploma in Human Nutrition and Dietetics reflecting the petitioner having studied subject related to computer relied upon by the petitioner are in respect of one paper, out of 11 papers in one semester and another paper, out of 5 papers in the other semester in B.Sc. Home Science/ Post Graduate Diploma in Human Nutrition and Dietetics. No doubt, the semester duration is of 06 months. However, Elementary Computer Aided

Computer Science, one of the 05 subjects taught in first semester in Post Graduate Diploma in Human Nutrition and Dietetics is not an exclusive course of study in computers for duration of 06 months and that too from a recognized institution. The essential qualifications stipulate a 06 months certificate in computer from a recognized institution which pre-supposes that the 06 months certificate should be exclusively in computers and that too from a recognized institutions. The Certificate of Proficiency of having attended a 06 months Advanced Course in Computer Application is not from amongst the list of recognized institutions. Thus in view of Elementary Computer Aided Designing which is one of the subjects in the 2nd semester and subject of Computer Science, one of the 05 subjects taught in first semester in Post Graduate Diploma in Human Nutrition and Dietetics not being an exclusive course of study in computers of duration of 06 months and that too from a recognized institution besides the petitioner not having done the 06 months certificate course from a recognized institution, the rejection of the petitioners candidature by the respondents does not warrant any interference. Accordingly, finding no merit in the writ petition, the same is ***dismissed***.

(B.S. Walia)
Judge

March 05, 2020
'Rajneesh'

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No