

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-9110-2018 (O&M)
Date of decision: 13.01.2020

Dusyant Sharma

...Petitioner(s)

V/s.

Haryana Staff Selection Commission and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Anil Kumar Sharma, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

RITU BAHRI, J. (Oral).

The petitioner has participated in the selection process of the post of Water Pump Operator Grade-II under the OSP-EBPG category pursuant to the advertisement No. 7/2016 dated 30.12.2016 (Annexure P-1). The final result to the post of Water Pump Operator Grade-II was declared on 04.01.2018. The last selected candidate under the EBPG category had secured 116 marks.

Learned counsel for the State has produced final result of the petitioner in Court today. The petitioner has secured 116 marks in the written examination and 20 marks in the viva voce which are higher than the marks secured by the last selected candidate. Result of the petitioner has been returned to learned counsel for the State.

As per the short reply filed on behalf of respondent No. 1, the petitioner had applied for the post of Water Pump Operator Grade-II under OSP-EBPG category. The written examination was conducted on

07.05.2017 which was duly qualified by the petitioner vide result dated 28.06.2017 (Annexure P-5). The petitioner had appeared for scrutiny of documents on 04.07.2017 and was treated eligible and was called for interview on 02.11.2017 where also the petitioner was treated eligible. However due to some doubts in the Diploma/ITI Trade/other eligible certificates of some of the candidates including the petitioner, the original application forms were sent to the scrutiny branch for rechecking and deciding the eligibility of 26 candidates including the petitioner. On perusal of the application form, the petitioner was not found eligible as he had not attached sports gradation certificate. The petitioner has further attached his EBPG certificate with the application form issued by Tehsildar Kaithal vide Serial No. EBPG/2017/428 dated 11.04.2017 which is after the closing date of submission of online application form i.e. 15.02.2017. Hence, in this backdrop, he was declared ineligible.

At this stage, learned counsel for the petitioner refers to EBPG certificate (Annexure P-2) which has been issued on 16.07.2014. This certificate was issued to the petitioner prior to the last date of submitting online application form i.e. 15.02.2017. This certificate was attached and uploaded with the application form (Annexure P-3). Recent EBPG certificate was issued by Tehsildar Kaithal vide sr. No. EBPG/2017/428 on 11.04.2017. The petitioner had produced this certificate at the time of scrutiny of documents and interview which shows that he was in possession of EBPG certificate from 16.07.2014 to 11.04.2017. He belongs to EBPG category and production of EBPG certificate issued on 11.04.2017 cannot make a ground to reject the candidature of the petitioner. The petitioner is held to be eligible and his candidature has been wrongly rejected.

The second ground for rejecting the candidature of petitioner was that the petitioner had not annexed the OSP certificate but had attached only the participation certificate with the application form.

This argument is also liable to be rejected since there is no post reserved for Outstanding Sportsperson category separately under the head of EBPG. Non-attachment of OSP certificate alongwith application form, does not make petitioner ineligible.

Since the petitioner has secured more marks than the last selected candidate under the OSP-EBPG category, this writ petition is allowed. Direction is given to Haryana Staff Selection Commission-respondent No. 1 to recommend the case of the petitioner for appointment to the post of Water Pump Operator Grade-II within a period of 15 days from the date of receipt of certified copy of this order and Public Health Engineering Department, Haryana-respondent No. 2 will issue appointment letter to the petitioner within the next 15 days. A further direction is being given to respondent No. 1 to pay the petitioner Rs.25,000/- as costs.

Pending application, if any, stands disposed of.

(RITU BAHRI)
JUDGE

13.01.2020
Divyanshi

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