

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

CWP-14186-2020

Date of decision: November 23, 2021

Narender Sharma and others

.....Petitioners

Versus

Haryana Public Service Commission

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Lalit Rishi, Advocate for the petitioners.

Mr. Harish Nain, AAG, Haryana.

Ms. Neha Awasthi Ban, Advocate
for the respondent – Commission.

LISA GILL, J.

Petitioners had submitted applications for recruitment to the temporary posts of Assistant Director (Technical) Principal, Industrial Training Institute Group 'A' Junior in Skill Development and Industrial Training Department, Haryana pursuant to advertisement dated 07.12.2017. Petitioners took the written test held on 11.08.2020. Petitioners No. 1 to 3 were declared successful in General category and petitioner No. 4 declared successful in SC category. It is submitted that petitioners duly submitted relevant documents but due to technical error, latest experience certificate of petitioner No. 2 could not be uploaded. Representation in this regard is stated to have been submitted to the Chairman of respondent – Commission. The schedule of interview was uploaded by the respondent – Commission but the petitioners' roll numbers were not

reflected therein. Respondent – Commission on 04.09.2020 circulated rejection list I and list II on 04.09.2020 containing roll numbers of rejected candidates. Roll numbers of the petitioners were reflected in list II. Petitioners also received individual letters stating the reason for rejection, which is reproduced as under:-

“You do not possess five years experience in supervisory capacity in a workshop or in an organisation of repute as per advertisement.”

Petitioners submitted individual representations in this respect which were rejected by the respondent – commission. Aggrieved therefrom, present writ petition has been filed by the petitioners.

It is contended that petitioners have been teaching students of B.Tech wherein there is one specific subject of ‘Workshop Technology’ which is taught through the year and the teaching faculty has to take theory classes as well as supervise the practicals. Petitioners are stated to have gained requisite experience in supervisory capacity in workshop. It is submitted that petitioners, who are from Mechanical trade have experience of supervising their students in a proper, well built, fully functional workshop. Practical conducted by the petitioners in workshops in their respective institutions qualifies them for the post in question. Plea of discrimination has also been raised.

It is to be noted that petitioners were directed to be interviewed provisionally vide order dated 10.09.2020 while specifically observing that the said order would not vest the petitioners with any right whatsoever; create any equity in their favour and interview/consideration shall be subject to final order, to be passed in the writ petition. It was further directed that petitioners’ result would be kept in sealed cover. Result has been produced in sealed cover in

Court today, pursuant to orders dated 30.09.2020 and 28.09.2021 passed in this writ petition. Same has been opened and perused.

Result of the petitioners reads as under:-

Sr. No.	Roll No.	Category	Candidate Name	Written Marks out of 75	Marks Awarded- Personal Achievement & Interview (Total Marks 12.5)	Marks Awarded- Interview (Total Marks 12.5)	Final Total
Columns				-1-	-2-	-3-	-4-
1.	23616	General	Narender Sharma	53.25	6.5	5.5	65.25
2.	23587	General	Surender Nain	49.5	7.5	5	62
3.	23700	General	Mohan Lal	49.5	6	6.37	61.87
4.	23655	SC of Hry	Rajiv Kumar	42.75	7	5.62	55.37

Last selected candidate in General candidate, it is informed, has secured 70.875 marks and the last selected candidate in SC category has secured 64.562 marks. Therefore, petitioners have admittedly not qualified for the selection. Adjudication of the writ petition, is, thus, clearly rendered academic. In my considered opinion, no useful purpose would be served by continuing with the proceedings at this stage. However, question/issue sought to be raised by the petitioners in respect to the eligibility of the petitioners, their having requisite experience in supervisory capacity/validity of the experience certificate etc. is kept open, to be decided in appropriate proceedings.

Writ petition is, accordingly, disposed of.

November 23, 2021
rts

(Lisa Gill)
Judge