

121 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24950-2021

Date of Decision: 09.12.2021

SANJAY KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. P.K. Verma, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein is for quashing of impugned order dated 12.10.2021 (Annexure P-8), whereby, the claim of the petitioner for promotion to the post of Sub Divisional Clerk from the post of Clerk was declined.

2. Learned counsel for the petitioner submits that the petitioner was initially appointed as Class-IV employee in the PWD (Public Health) Department on 01.02.1996 and was promoted thereafter to the post of Clerk vide order dated 31.12.2018 on probation for a period of one year with a condition to pass the State Eligibility Test in Computer Appreciation and Application (SETC). Learned counsel for the petitioner, while relying upon Haryana Government letter No.42/164-2008-3GS-II dated 07.11.2013, submits that the State Government has exempted certain courses of minimum duration of six months from the State Eligibility Test in Computer Appreciation and Application [SETC]. He further submits that though the

petitioner had done six months course from HKCL and the same is duly certified by State of Haryana but his juniors, namely, Maheep Sharma and Om Prabha Devi (respondents No.5 and 6) have been promoted to the post of Sub Divisional Clerk but he, even being senior and fully eligible for promotion, has not been considered. He further submits that the respondent-department by relaxing/exempting the requirement of clearance of SETC, had promoted a number of Clerks to the post of Sub Divisional Clerk, who are similarly situated like the present petitioner.

3. Learned counsel further submits that qua his aforesaid grievance, the petitioner also caused issuance of a legal notice dated 04.03.2021 (Annexure P-7) but the same was rejected.

4. Learned State counsel, on advance service, appears and submits that no junior to the petitioner has been promoted to the post of Sub Divisional Clerk without passing the State Eligibility Test in Computer Appreciation and Applications (SETC) from the State Electronic Development Corporation Limited (HARTRON) by respondent No.2 i.e. Engineer-in-Chief, Haryana. She further submits that the legal notice dated 04.03.2021 (Annexure P-7) issued by the petitioner was rejected and his claim was not considered on the ground that he has cleared the Part-1 only of SETC (knowledge test of computer) under the exempted clause as he possesses the Haryana State Certificate in IT Application from HKCL and did not qualify the condition of Part-II of SETC (Typing test) till date, which is mandatory as per the Government instructions as well as departmental services rules. Respondents No.5 and 6, namely, Maheep Sharma Clerk and Smt. Om Parbha Devi, Clerk were promoted to the post of Sub Divisional

Clerk vide office orders dated 17.02.2021 as they have passed the SETC from HARTRON.

5. On a Court query, learned counsel for the petitioner has failed to make out a case of discrimination vis-à-vis the candidates, who have been promoted in the year, 2015 i.e. prior to the issuance of instructions dated 30.03.2021.

6. Having heard the arguments of learned counsel for the parties, I do not find any ground to interfere in the impugned order, which is premised on the following reasoning:-

“Whereas, the petitioner has cleared the part-I of SETC (knowledge test of computer) under the exempted clause as he possesses the Haryana State Certificate in IT Application from HKCL and he did not qualify the condition of Part-II of SETC (Typing test) till date which is mandatory as per the Govt. instructions dated 07.11.2013, 17.11.2018, 22.12.2020 and 30.03.2021 as well as departmental service rules.

In view of the above said provisions, there is no merit in the legal notice dated 04.03.2021 (Annexure P-7). Hence, the claim of the petitioner is considered at length and is hereby rejected.”

7. Dismissed.

December 09, 2021

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No