

In the High Court of Punjab and Haryana at Chandigarh

255

CWP-4402-2020 (O & M)

Date of Decision: May 24, 2022

MONIKA

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Govind Mor, Advocate for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.

Mr. Vijay Singh, Advocate for
respondents No.2 and 3.

Mr. Ashok Bhardwaj, Advocate for respondent No.5.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has sought a direction to the respondents No.1 to 3 to appoint her to the post of Clerk as the petitioner has secured 75 marks in the general category.

Learned counsel for the petitioner submits that the petitioner has not been awarded any marks for the experience although she had worked with respondent No.2-University as Clerk-cum-Typist. He further submits that the petitioner has got 75 marks which is equivalent to the last selected candidate in the general category and if 0.5 mark had been granted to her because of her experience, she would have got 75.5 marks, which is more than the marks obtained by the last selected candidate in the general category. He further submits that some candidates have joined and immediately resigned thereafter and in response to the RTI application, the respondents have replied that some posts are available in the general category (Annexure P-17).

Learned counsel for respondents No.2 and 3 submits that as the petitioner had been employed through outsourcing, therefore, she was not granted the marks for experience.

Heard.

The petitioner had applied for the post of LDC in response to the advertisement issued on 04.09.2018. The petitioner is stated to have done B.Com and M.Com. In the general instructions/conditions pertaining to the examination, it has been stipulated that 0.5 marks for each year or part thereof exceeding six months of experience would be granted. Relevant extract of general instructions/conditions is reproduced hereunder:-

“(d) Experience: One-half (=0.5) mark for each year or part thereof exceeding six months of experience, out of a maximum of 10 years, on the same or a higher post in any Department/Board/ Corporation/ Company/Statutory Body/ Commission/ Authority of Government of Haryana. No marks will be awarded for any period less than six months.”

The petitioner had furnished experience certificate dated 01.04.2018 (Annexure P-6) wherein it is stated that work of job contract was allocated to her in the CCS Haryana Agricultural University, Hisar. It is also stated that she had performed her job quite satisfactorily and she had worked from 05.05.2017 to 31.03.2018. Her certificate has been verified and signed by the Professor and Head, Department of Soil Science, CCS HAU, Hisar. The petitioner had admittedly worked in the respondent-University from 05.05.2017 to 31.03.2018, which was for a period of over six months and she would be entitled to 0.5 marks. The respondents cannot deny her this benefit on the ground that she was appointed through outsourcing. The only

requirement for the experience is that, it should have been on the same or higher post in any Department/Board/ Corporation/ Company/Statutory Body/ Commission/ Authority of Government of Haryana. It is not in dispute that the respondent-University has been set up under the statute and it is a State University. The last selected candidate in the general category had obtained 75 marks while the marks of the petitioner are also 75 marks and in case she is given 0.5 marks for experience, she would be getting 75.5 marks. Some posts in the general category are still lying vacant. Therefore, the petitioner could be adjusted without disturbing any selected candidate.

Consequently, the petition is allowed. The petitioner would be considered for appointment after affording her 0.5 marks for the experience and would be offered appointment without disturbing any selected candidates. Needful be done within a period of 02 months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

May 24, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No