

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

CWP-5474-2019 (O&M)

Date of decision: August 31, 2022

Prince Kumar and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.K.S. Brar, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing respondent No.2 for calling the petitioner for interview for the post of Lower Division Clerk pursuant to Advt. No.3/2016 dated 20.02.2016, Cat. No.3 (Annexure P-1).

2. Succinct factual background first. Petitioner applied for the post of Lower Division Clerk in pursuance to Advt. No.3/2016. Petitioner qualified the written test as well as his documents were found upto date in the scrutiny process. Vide impugned notice dated 18.02.2019 (Annexure P-6), petitioner was not called for interview and only the candidates who had got interim relief from the High Court were interviewed. Aggrieved, petitioner moved a representation dated 25.02.2019 (Annexure P-7) to the respondent-Commission, but to no avail.

3. I have heard rival contentions of learned counsel for the parties and perused the record.

4. Matter was taken up for hearing on 28.02.2019, when my learned sister Ritu Bahri, J. (as she then was seized of the matter), passed the following order:-

“Pursuant to advertisement dated 20.2.2016 (Annexure P-1), the petitioners have appeared and qualified the written exam for the post of LDC (Lower Division Clerk) and were called for scrutiny of documents (Annexure P-2). They participated in the scrutiny of documents. Details of their roll numbers were reflected in para No.3 of the writ petition. No objection was raised at the time of scrutiny but they were not called for interview.

Notice of motion.

Mr. Harish Pandit, Addl. AG, Haryana accepts notice and seeks time to file reply.

Adjourned to 9.4.2019.

In the meantime, petitioners will be provisionally interviewed. Result be kept in a sealed cover and produced in the Court on the next date of hearing.

Copy of this order be given under the signatures of the Bench Secretary.”

5. *Apropos* above, petitioner was provisionally allowed participation in the selection process. It transpires from the stand taken in the short reply dated 21.12.2021 filed on behalf of the respondents that the candidates based, on their performance, have already been given the due benefit except those not found eligible for the same, as more particularly stated in Para-20 thereof, which is reproduced herein below:-

“20. That thereafter, in pursuance of Court proceedings in CM No.9763 in CWP No.17619/2019 Jasmeet & Others Vs. State of Haryana and Others, the Commission conducted the re-scrutiny of all the candidates on 05.12.2019 who have appeared for scrutiny of documents as per resolution passed by Commission and revised the final result on 06.01.2020 for the post of Lower Division Clerk, UHBVNL and DHBVNL, Haryana against Advertisement No.03/2016, Category No.03 on the basis of written examination, scrutiny of documents and interview/viva-voce, whereby the Respondent-Commission has followed the same criteria for selection to the post of LDC which has been followed by Respondent-Commission while making appointment to the post of UDC as per qualifications. That the respondent Commission conducted the re-scrutiny of documents as per

resolution dated 19.03.2017 and thereafter respondent Commission declared the revised final result for the post in question on 06.01.2020. That further in continuation of earlier notice dated 06.01.2020, corrigendum dated 18.05.2020 was issued on the basis of written examination, scrutiny of documents and Interview/ Viva-Voce for the post of Lower Division Clerk of UHBVNL/ DHBVNL, against Advt. No.3/2016, Cat. No.03. That the status of petitioners as per corrigendum dated 18.05.2020 is as under:-

Sr. No.	Name	Roll no.	Category	Status of petitioners as per Resolution dated 19.03.2017 on re-scrutiny of documents as on 05.12.2019	Certificates submitted by petitioners who were found “Not Eligible”
1	Prince Kumar	130360031	BCA	Found “Not Eligible”	‘One Year Diploma in Computer applications’ issued by “Knowledge Point Computer Institute”
2	Ranjana Rani	1303600334	SC	Found “Not Eligible”	Has not submitted any certificate of Computer Course
3	Pooja Devi	1303601810	BCA	Selected in BCA category vide corrigendum dated 18.05.2020	-----
4	Sonia	1303602763	General	Selected in ESM GEN category dated 18.05.2020	----
5	Anand Parkash	1303600118	BCB	Found “Not Eligible”	‘Industrial Accountant’ issued by “the Institute of Computer

					<i>Accountants”</i>
6	<i>Ved Parkash</i>	<i>1303602095</i>	<i>SC</i>	<i>Selected in SC category Vide corrigendum dated 18.05.2020</i>	-----
7	<i>Sandeep</i>	<i>1303600891</i>	<i>BCA</i>	<i>Found “Not Eligible”</i>	<i>‘Certified Professional Accountant’ issued by NIFA, Hissar</i>
8	<i>Sandeep</i>	<i>1303602164</i>	<i>General</i>	<i>Marks (97) less than last selected candidate, cut off marks 118</i>	<i>‘Free Computer Education Programme of Directorate of School Education’ issued by NICT</i>
9	<i>Kavita</i>	<i>1303601628</i>	<i>General</i>	<i>Marks (98) less than last selected candidate, cut off marks 118</i>	<i>‘Diploma in Computer Application’ issued by Aims Computer Education</i>
10	<i>Prince</i>	<i>1303603031</i>	<i>EBPGC</i>	<i>Selected in EBPGC waiting on 1311.2020</i>	----
11	<i>Deepak Kumar</i>	<i>1303601332</i>	<i>General</i>	<i>Marks (100) less than last selected candidate, cut off marks 118</i>	<i>‘Diploma in Information Technology’ issued by OMTECH, Chandigarh</i>
12	<i>Neeraj Kumar</i>	<i>1303600477</i>	<i>SC</i>	<i>Selected in SC category vide corrigendum dated 18.05.2020</i>	----

It is relevant to mention here that requisite qualification under UHBVNL is “O” level course from NIEIT (“DOEACC” Society) or HARTRON and those who had “O” level course from any other computer institute were considered against the post of DHBVNL. It is pertinent to mention here that petitioners no.3, 4, 6, 8, 9, 10, 11, 12 were found eligible for the

post of DHBVNL in re-scrutiny of documents conducted as per resolution dated 19.03.2017 for the post in question and as per their certificates they were found “ineligible” for the post against UHBVNL whereas petitioner no.3, 4, 6 and 12 have been selected vide corrigendum dated 18.05.2020 and petitioner no.8, 9, 11 and have not been selected due to securing marks less than the last selected candidate in General category. Petitioner no.8, 9 and 11 have secured 98, 97 and 100 marks respectively whereas the last selected candidate in General category has secured 118 marks.

That further it is worthwhile to mention here that Petitioner no. 1, 2, 5, 7 were found “Not eligible” against the posts of UHBVNL and DHBVNL due to not having valid requisite certificates required for the post in question. That Commission declared the final result (EBPGC) for the post of LDC on 13.11.2020 and petitioner No.10 bearing roll No.1303603031 has been selected in waiting list in EBPGC Category vide final result (EBPGC) notice dated 13.11.2020.

That in view of the submission made above, the present writ petition being devoid of any merit deserves to be dismissed.”

6. No counter affidavit and/ or replication has been filed to the aforesaid stand taken by the State. Therefore, no grounds for interference are made out as the stand taken above remains uncontroverted and in any case, those who were found deserving, have been accorded the benefit.

7. Disposed of, accordingly.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 31, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No