

CM-1667-CWP-2022 in/and
CWP No. 6119 of 2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105+274)

CM-6193-CWP-2019 and
CM-1667-CWP-2022 in/and
CWP No. 6119 of 2019
Date of Decision : 12.09.2022

Mandeep

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Brijesh Nandan, Advocate for the petitioner.

Mr. R.S. Budhwar, Addl. A.G., Haryana.

Harsimran Singh Sethi J. (Oral)

CM-6193-CWP-2019

Present application has been filed for placing on record
Annexures P-11 and P-12.

Application is allowed and result as Annexures P-11 and P-12
are taken on record.

CM-1667-CWP-2022

Present application has been filed for placing on record result
as Annexure P-17.

Application is allowed and result as Annexure P-17 is taken on
record.

CWP-6119 of 2019

In the present petition, the prayer of the petitioner is that the experience certificate Annexure P-5 be treated as a valid certificate for considering his claim for the post of PGT Chemistry, in which he competed under Category No. 2 in pursuance to the Advertisement No. 4/2015 (Annexure P-1).

An Advertisement was issued by the Haryana Staff Selection Commission vide which 442 posts of the PGT Chemistry were advertised on 28.06.2015. The petitioner, who claimed himself to be eligible as per the academic qualification submitted an online application. The selection was to be made on the basis of the written examination as well as the interview. The written test was conducted on 06.02.2017 and thereafter, the scrutiny of the documents was also conducted in April, 2017. Thereafter, the interview was conducted in November, 2018. After the result was declared, the petitioner approached this Court raising a grievance that he has not been found suitable for being appointed and his experience certificate with regard to the working in Jyoti Senior Secondary School (JSS), Mirchpur, Hisar from July, 2013 onwards, has not been taken into consideration and the petitioner has not been granted the requisite marks for the same. Hence, the respondents are under obligation to grant the petitioner the benefit of experience, which the petitioner had and thereafter, re-consider the claim of the petitioner for appointment to the post of PGT Chemistry.

After notice of motion, the respondents have filed the reply in which, the respondents have disputed the factual assertion. The respondents have submitted that while applying for the post of PGT Chemistry, the

petitioner never mentioned that he had experience of working on the said post. Further assertion of the respondents is that even on the day when the scrutiny took place in the year 2017, the petitioner never submitted any experience certificate and rather, on the performa with regard to the document being presented, in respect to the experience, the petitioner had himself written with the hand 'No' hence, now claiming benefit of experience on the basis of Annexure P-5 is not at all maintainable. Learned counsel for the respondents further submits that even otherwise, the experience certificate (Annexure P-5) is not countersigned by competent authority so as to be taken into account.

In the replication, the petitioner has submitted that similar certificates in respect of the other candidates have already been taken into consideration and his certificate was refused to be taken into consideration by the officer concerned.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a settled principle of law that in case any benefit of any document is to be taken, the same needs to be mentioned in the application keeping in view the clear wording of the advertisement. As per the advertisement, all the documents, which are to be relied by the petitioner so as to secure the appointment, needs to be mentioned in the application itself.

Learned counsel for the petitioner conceded before this Court that no experience certificate was appended along with the application. The averments made in para 9 of the reply are very clear to the said effect.

The argument of learned counsel for the petitioner that he was

not allowed to place on record the said certificate by the officer concerned, cannot be taken into account for the reason that though such averments have been mentioned in the writ petition however, no one, who restrained the petitioner from attaching the said document, has been made a party so as to reply to the said allegation.

Once, the required documents were not attached with the application form including experience certificate and concededly the same were also not shown at the time of scrutiny, no benefit of the said documents can be given to the petitioner.

With regard to the prayer of the petitioner for the grant of benefit to the other candidates, who had similar experience certificate, the same has already been clarified by the respondents that the said experience certificate was duly countersigned by the authorities concerned and was produced at the time of the scrutiny by the candidate concerned. That being so, the petitioner cannot claim to be similarly situated as the candidates, in whose favour, experience certificates (Annexures P-15 and P-16) respectively were issued and they were granted the benefit.

Keeping in view the above, no infirmity as such exists so as to grant the petitioner the benefit as being claim in the present petition.

Dismissed.

September 12, 2022
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No