

In the High Court of Punjab and Haryana at Chandigarh

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CWP-6334-2022 (O & M)

Date of Decision: July 27, 2022

NARESH KUMAR AND ORS.

.....PETITIONERS

VERSUS

**HARYANA STAFF SELECTION
COMMISSION AND ANR**

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Ankur Sidhar, Advocate
for the petitioners.

Mr. Sharad Aggarwal, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners are seeking a direction to the respondents to consider the corporate experience of the petitioners as well as relevant experience for the post of Assistant.

Learned counsel for the petitioners submits that the petitioners had applied for the post of Assistant in response to the advertisement No.14 of 2019. The petitioners have obtained more marks than those obtained by the last selected candidate/candidates in the waiting list. They are also furnished the documentary evidence with regard to the corporate experience. He also submits that the appointments are yet to be made and interim order had been passed by this Court on 28.03.2022 that the appointments would be subject to the final outcome of this writ petition.

Learned counsel for the respondents has filed short reply of Under Secretary, Haryana Staff Selection Commission, Panchkula wherein it is stated that as the petitioners did not have the relevant experience of at least 05 years in a corporate environment on the same post of Assistant, their candidature could not be considered. He, however, submits that it was an essential qualification and there was no challenge to the criteria. He also states that the recommendations have been made but he is not in a position to controvert the submission of the learned counsel for the petitioners that appointments are yet to be made.

Heard.

The respondents had advertised the post of Assistant. Relevant qualification as mentioned in the advertisement is reproduced hereunder:-

“Essential Qualification:-

1. *B.Com at least 2nd Division with minimum 05 yrs. relevant experience in handling of Accounts in a Public Limited Company or Industrial Undertaking/Bank in the Accounts Stream.*

OR

- M.Com (at least 2nd Division) with minimum 02 yrs relevant experience in handling of Accounts in a Public Limited Company or Industrial Undertaking/Bank in the Accounts Stream.*
2. *Hindi/Sanskrit as one of the subject in Matriculation or Higher.”*

It is thus set out in the advertisement that the essential qualification would be graduate with 2nd Division having relevant experience of at least 05 years in a corporate environment. The petitioners are having at least 05 years experience in various corporate entities as Engineers. The details of

the experience of the petitioners in the corporate organization is set out hereunder:-

Sr.No.	Petitioner Name	Petitioner's Working in Company	Petitioner's Working on the Post
1.	Naresh Kumar	HCL COMNET Ltd.	Senior Engineer
2.	Sonam Yadav	(i) Viren Telecom Pvt. Ltd. (ii) Nextel Communications India Pvt. Ltd. (iii) Team Lease Services Ltd.	(i) Project Engineer (ii) Project Manager (iii) Field Engineer
3.	Rohit Yadav	(i) Huawei Telecommunications (India) Co. Pvt. Ltd. (ii) NR switch N Radio Services Pvt. Ltd. (iii) THIS (iv) Pratap Technocrats Pvt. Ltd. (v) Randstad India Ltd.	(i) Engineer (ii) Manager (iii) Engineer (iv) NOC-Engineer (v) Egnieer-TOC

The respondents have not specified the kind of experience which would be required for consideration to the post of Assistant. It is difficult to accept the contention of the learned counsel for the respondents that the relevant experience would mean experience on the post of Assistant. The petitioners are having higher qualifications and experience as Engineers in various corporate entities. It would be unjust to disqualify them on the ground that they do not have the requisite experience of an Assistant. The petitioners have obtained more marks than the last selected candidate/candidates in the waiting list. The marks obtained by the petitioners are set out hereunder:-

Sr. No.	Name and Roll No.	Total Marks Obtained	Cut Off/Waiting
1.	Naresh Kumar, 1419110378 (SC)	58	56.50/47.0
2.	Sonam Yadav, 1419110154 (BCB-DESM)	67	60.0/51.50
3.	Rohit Yadav, 1419110233 (BC-B)	62	60.0/51.50

In view of the above especially when the petitioners are qualified Engineers and had the experience of working in corporate entities for over 05 years, they cannot be denied consideration for appointment.

Consequently, the petition is allowed. The respondents are directed to consider the candidature of the petitioners in accordance with their merit within a period of 15 days from the date of receipt of certified copy of this order. They shall not be disqualified on account of lack of experience as Assistants.

(ANUPINDER SINGH GREWAL)
JUDGE

July 27, 2022
A.Kaundal

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