

In the High Court of Punjab and Haryana at Chandigarh

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CWP-6730-2022 (O & M)
Date of Decision: August 04, 2022

LALITA GUPTA AND ORS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Sudhir Rana, Advocate for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners have challenged the action of the respondents considering the petitioners ineligible for appointment to the post of Assistant.

Learned counsel for the petitioners submits that the petitioners were fully qualified for the post of Assistant. They had the requisite qualification and 05 years experience of a clerical post in a corporate environment. He also submits that the petitioners have secured more marks than the candidates in the waiting list. The marks obtained by the petitioners and those obtained by the selected candidates/candidates in the waiting list have been set out in paras 4 and 5 of the petition. He also submits that in other selections carried out by various organizations of the State, it has been specified that clerical experience would suffice for the post of Assistant. He further states that in other categories of posts, separate kind of experience was prescribed. Learned counsel for the petitioners submits that in a similar circumstance, this Court had allowed the petition bearing CWP-6334-2022 titled as **Naresh Kumar and others versus Haryana Staff Selection**

Commission and another decided on 27.07.2022 by considering that the experience gathered by the petitioners therein would be considered for the purpose of appointment to the post of Assistant.

Learned counsel for the respondents, however, submits that it was specified that the candidates should have the relevant experience and as the appointment is for the post of Assistant, the experience had to be on the post of Assistant itself. He also submits that the appointments have already been made as the advertisement was issued in the year, 2019.

Heard.

The petitioners are seeking appointment on the post of Assistant. The requisite qualification for the post was graduate (at least 2nd Division) and relevant experience of at least 05 years in a corporate environment. The petitioners have experience on the post of Clerk, which is lower to the post of Assistant. The experience gathered on the post of clerk cannot be said to be similar to the experience of an Assistant, which has a higher level of responsibilities and duties. The judgment of this Court relied upon by the counsel for the petitioners in **Naresh Kumar's case (supra)** is distinguishable on facts inasmuch as in that case, the petitioners therein had degrees in Engineering and had experience as Engineers/Senior Engineers in Corporate entities of repute. The experience gathered at a higher post may still be accepted as the relevant experience but the experience, which has been gained by the petitioners on a lower post would not satisfy the requirement of the instant advertisement. The petitioners have secured less marks than the last selected candidates in their respective categories. They are seeking inclusion of their names in the waiting list. It is apt to notice that petitioners No.4, 5 and 6 have secured less marks than the last selected candidate in the waiting list.

None of the petitioners have secured more marks than any of the candidates in the select list in their respective categories. Insofar as the submission of the learned counsel for the petitioners that the other organizations of the State have specified experience gathered as a Clerk as the requisite qualification for appointment to the post of Assistant is concerned, it is upto the respondents to lay down the qualification. If one organization of the State has specified that clerical experience would suffice for the post of Assistant, it would not confer right of claiming parity to the petitioners, who are claiming appointment in another organization. It is well within the domain of the Executive to lay down qualifications for a particular post and the respondent-Organization was well within its right to stipulate the experience required for post of Assistant. The interference of the Court would not be called unless the action is arbitrary and discriminatory.

Consequently, I do not find any merit in this petition, which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

August 04, 2022
A.Kaundal

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