

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

203

CWP-8413-2020

Date of decision : 29.08.2022

Sachin

... Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Jasbir Mor, Advocate for the petitioner.

Dr. Kapil Bansal, DAG, Haryana.

Mr. Nilesh Bhardwaj, Advocate for respondents No.2 to 4.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the condition B(i) in the advertisement No.2/2019 to the extent that only relevant experience acquired post essential qualification would be considered and counted for grant of marks towards experience.

Learned counsel for the petitioner submits that the petitioner, who had applied for the post of Laboratory Technician in general category, has secured 53 marks in the written examination. He has not been awarded any marks for the experience although he had worked on the post of Lab Technician for a period of six years from 2011 to 2016. He should have been awarded three marks for this period as 0.5 marks have to be awarded for each year or part thereof exceeding six months. In the event of the petitioner being awarded 03 marks, he would secure a total of 56 marks which are more than the 54 marks obtained by the last selected candidate in general category. He also submits that as per rules 1998 applicable upto 2010, the essential qualification

for the post of Laboratory Technician was matric along with diploma and the rules/instructions had been amended in the year 2011 to stipulate qualification as 10+2 with Biology along with diploma, therefore, the experience gathered by the petitioner from 2011 to 2016 has to be treated as post qualification experience. He also submits that the advertisement was issued in the year 2019 and the selection had already been made in the year 2020. Learned counsel has also filed replication to the written statement filed by respondents No.2 and 3 which is taken on record subject to all just exceptions.

Learned counsel for respondents No.2 to 4, while referring to the reply, submits that it was stipulated in the advertisement that the requisite qualification is B.Sc. in Medical Laboratory Technology and only the experience acquired by the candidates after their qualification of B.Sc. would be taken into account. The rules/instructions had also been amended in the year 2016 that the essential qualification is B.Sc.

Heard.

The petitioner had applied for the post of Laboratory Technician in pursuance to the advertisement issued by the respondents on 07/08.03.2019 (Annexure P-1). He has secured 53 marks while the last selected candidate has secured 54 marks in general category. The experience certificate of the petitioner has not been accepted as it is prior to the acquisition of B.Sc. by the petitioner. In the advertisement, it was clearly stipulated that the post qualification experience would be taken into account. The advertisement specifies the qualification as B.Sc. in Medical Laboratory Technology and the petitioner had acquired this qualification in the year 2017 and the experience thereafter could be counted.

The petitioner's six years experience prior to 2017 cannot be accepted. The respondents have specified the qualification in the impugned advertisement and had also stipulated that the post qualification experience would be taken into account. Therefore, only the experience which the petitioner had acquired after qualifying B.Sc. in Medical Laboratory Technology could be taken into account. Therefore, I do not find any infirmity in the action of the respondents in not awarding the marks for experience to the petitioner.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

August 29, 2022

sonia gugnani

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