

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CWP-11561-2018 (O&M)
DATE OF DECISION: 23.11.2022**

KRISHAN KUMAR

... Petitioner (s)

Versus

HARYANA STAFF SELECTION COMMISSION & ORS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. S.K. Nehra, Advocate
for the petitioner.

Dr. Kapil Bansal, DAG, Haryana.

Mr. Ashish Gupta, Advocate with
Mr. Jaskirat Singh, Advocate for
Mr. Prateek Mahajan, Advocate for R-2.

Mr. Saurabh Chawla, Advocate and
Mr. Nitin Kaushal, Advocate for respondent No.3.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the action of the respondents in rejecting his candidature on the ground of him being ineligible.

Learned counsel for the petitioner submits that the petitioner had applied for the post of Field Inspector (Store) in HAFED under ESM (General) category. His candidature had not been considered by the respondent on the ground that he does not have the essential qualification although he had done Bachelor of Computer Applications ('B.C.A.' for short) but in the advertisement, it was stipulated that one year diploma in computer from a recognized institute is an essential requirement. He has also referred to the judgment passed by the Division Bench in LPA No.1458 of 2012, titled as

Rishi Pal and others Vs. Haryana State Cooperative Supply and Marketing Federation Limited and another. In pursuance to the order passed by a Coordinate Bench of this Court on 08.05.2018, the petitioner was provisionally interviewed. Learned State counsel has furnished the result of the petitioner which indicates that the petitioner has secured 158 marks in written examination, 17 marks in viva voce and therefore, has scored a total of 175 marks out of 220. The last selected candidate in ESM (General) category is stated to have obtained 130 marks.

Heard.

The petitioner had applied for the post of Field Inspector (Store) in terms of the advertisement issued by the respondents on 02.12.2016. His candidature was not considered as he did not have one year diploma in computer from a recognized institute. The petitioner admittedly has the qualification of BCA (Bachelor in Computer Application) which is certainly higher than one year diploma in computer. The Division Bench in **Rishi Pal and others Vs. Haryana State Cooperative Supply and Marketing Federation Limited and another (supra)**, while dealing with a similar issue wherein the petitioners therein, who had applied for the post of Field Inspector had done BCA and the essential qualification in terms of the advertisement was one year diploma in computer, held that the candidates having higher qualification in the same line cannot be excluded from consideration by holding them ineligible. In the instant case, the petitioner has secured 175 out of 220 marks in the ESM General category. The last selected candidate in this category has secured 130 marks. The petitioner having qualification of BCA

would be deemed to be having the requisite eligibility as the qualification is higher than one year diploma in computer as stipulated in the advertisement.

Learned counsel for respondent No.2 in response to the query raised by this Court in the previous order as to whether any post in this category is vacant, submits that 5 posts in the ESM General category are vacant.

Consequently, the petition is allowed. The candidature of the petitioner would be considered. He shall be offered appointment subject to verification of documents in the ESM General category. He would also be entitled to the notional benefits from the date other candidates have been appointed.

(ANUPINDER SINGH GREWAL)
JUDGE

23.11.2022

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No