

In the High Court of Punjab and Haryana at Chandigarh

213

CWP-4869-2014 (O & M)

Date of Decision: April 05, 2022

SHRI PAL KAUSHIK

.....PETITIONER

VERSUS

STATE OF HARYANA & ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Atul Ravish, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. B. S. Rana, Senior Advocate with
Mr. Nayandeep Rana, Advocate for respondent No.5.

Mr. R.S. Randhawa, Advocate for respondent No.6.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking writ in the nature of certiorari quashing the selection of respondent No.6 against the post of Assistant Engineer (Instrumentation). He also sought a direction to the respondents to appoint him against the post of Assistant Engineer.

Learned counsel for the petitioner contends that respondent No.6 did not have requisite qualification and experience for the post and, therefore, he could not have been selected. The qualification which was stipulated in the advertisement is B.E. Instrumentation with one year experience in instruments and auto control system. He contends that the petitioner and respondent No.6 had applied in response to the advertisement issued on 25.10.2013. Respondent No.6 had completed the degree in September, 2013 and, therefore, the experience certificate which he had submitted along with the application could not be taken into account. He also contends that the petitioner did not

have the degree of Bachelor of Engineering in Instrumentation but had Engineering degree in Electronics and Communication and, therefore, he was ineligible. He also contends that respondent No.6 had completed the 03rd semester in May, 2012 and, therefore, experience prior thereto could not have been taken into account.

Learned counsel for the respondents, however, contend that the advertisement was issued on 25.10.2013 and the last date for submission of the application was 02.11.2013. The Registrar of the Cooperative Society by order dated 28.08.2012 had issued clarification with regard to the qualification for the post of Assistant Engineer (Instrumentation). It was clarified that degree of Bachelor in Engineering in Instrumentation/Electronics and Communication would be the eligibility along with one year experience in handling instruments and auto control system. They also state that respondent No.6 had passed the examination of the degree in May, 2011, although the degree was issued on 10.09.2013. The experience certificate submitted by respondent No.6 indicates that he was employed with respondent No.7 from August, 2012 till December, 2013 and, therefore, he had the requisite one year experience even if we take the acquisition of his degree after completing all the papers from May, 2012.

Heard.

The last date for submission of the application was 02.11.2013. The Registrar of the Cooperative Society by the order dated 28.08.2012 had clarified about the essential qualification for the post of Assistant Engineer (Instrumentation), which is prior to the issuance of advertisement. Respondent No.6 is a degree-holder and having completed his degree of Bachelor of Engineering from Maharshi Dayanand University, Rohtak in 2011, although the degree was issued in September, 2013. A copy of the degree has been

appended as Annexure R-6/4 wherein it is stated that the petitioner had completed the examination for acquisition of the degree in 2011 itself. Respondent No.7 has filed reply stating that respondent No.6 had worked with them since August, 2012 and an inquiry was conducted by the officers of the Sugar Mills and they had also expressed their satisfaction about the experience gathered by respondent No.6 while working with respondent No.7. The petitioner on the other hand is a Diploma Holder in Instrumentation. Although he had secured more marks than respondent No.6 in the written examination but taking into account total marks in both written and interview, respondent No.6 ranks ahead of the petitioner. The selection has been completed in the year, 2013.

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

(ANUPINDER SINGH GREWAL)
JUDGE

April 05, 2022
A.Kaundal

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