

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

CM No.2819 of 2022 in/and
CWP No.24114 of 2017 (O&M)
Date of decision: 22.04.2022

Parveen Kumar

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ramesh Malik, Advocate,
for the petitioners.

Mr. Saurabh Mago, AAG, Haryana.

Ritu Bahri, J. (Oral)

CM No.2819 of 2022

With the concurrence of learned counsel for the parties, the main petition i.e. CWP No.24114 of 2017 is taken up on today's board.

Misc. application stands disposed of accordingly.

CWP No.24114 of 2017

Petitioner is seeking direction to respondent No.2-Haryana Staff Selection Commission to conduct his interview as he has scored more marks than the last cut off marks scored by the candidate belonging to the General Category.

Learned counsel for the petitioner has referred to the application form (Annexure P-10), where the petitioner has mentioned the marks obtained by him in ITI (Electrical) conducted by Skill Development and Entrepreneurship, Government of India. As per this application, he has

secured 1722 out of 2700 marks. This application form was filled within

time. Annexures P-11 to P-15 are the downloaded certificates of semesters 1 to IV and consolidated mark-sheet of the petitioner.

Learned State counsel has raised an objection that no date has been mentioned in these mark-sheets (Annexures P-11 to P-15).

However, on perusal of all these documents, it is clear that month of the examination has been mentioned thereon, which started from the February, 2015 to July, 2016. Moreover, the certificate issued by the Ministry of Skill Development and Entrepreneurship (at page 19 of the paperbook) is dated 18.06.2017. In this certificate, it is mentioned that the petitioner has passed examination of four semesters in the trade of Electrician. He got admission during August 2014 and completed the course in the month of July, 2016. This certificate has not been disputed by the respondents in their written statement. The only ground taken by the respondents is that the certificate is dated 18.06.2017, whereas the cut off date was 15.02.2017.

This objection is liable to be rejected simply on the ground that this certificate makes it clear that the petitioner had appeared in four semesters starting from August, 2014. The fourth semester was completed in July, 2016.

Learned counsel for the petitioner has referred to Annexure P-7, which shows that the result of above said examination was declared on 04.11.2016 through NCVT MIS. Keeping in view the information (Annexure P-7), mark-sheets (Annexures P-11 to P-15) placed on record by the petitioner cannot be doubted.

In the affidavit dated 01.04.2022, submitted by the Secretary (Legal), Haryana Staff Selection Commission-respondent No.2, it was stated

that the marks-sheet of Diploma of ITI dated 18.06.2017 cannot be considered as the same was issued after the cut off date i.e. 15.02.2017.

Keeping in view that the petitioner had cleared the examination in July, 2016, as is apparent from the certificate attached at page 19 of the paperbook, this objection is liable to be rejected because the time of scrutiny of documents, the petitioner had produced the said certificate before the respondent(s). Moreover, he marks-sheet was uploaded on the website of the respondent-commission and the same is not being disputed.

Learned State counsel further raised an objection that the marks-sheets placed on record by the petitioner as Annexures P-11 to P-15, are in variance with the information mentioned in the application form (Annexure P-10).

Marks-sheets have been downloaded from the website of the respondents. For all intents of the purposes, the petitioner was eligible to apply for the post in question on the last date of submission of the application form. In the present case, application form (Annexure P-10) was filed by the petitioner before the cut off date i.e. 15.02.2017. As per this form, he has secured 1722 marks out of 2700 marks. Marks-sheets (Annexures P-11 to P-15) shows the marks obtained by him in the examinations, which were conducted from February, 2015 to July, 2016. The result was declared on 04.11.2016 on NCVT MIS portal (Annexure P-7) well before the cut off date. Copy of this result has been placed on record by way of CM No.1092-2019. Vide order dated 01.11.2017, a direction was given to provisionally interview the petitioner subject to the final decision of this petition. Thereafter, result of the petitioner was produced in Court on 21.02.2019, as per which, the petitioner has secured

130 marks out of 200 marks in the written examination and 09 out of 25 marks in the viva-voce, total 139 marks. Last candidate selected for the post of Water Pump Operator, Grade-II, had secured 132 marks.

Since the petitioner has secured more marks than the last candidate selected in the General category, a direction is being given that the petitioner will appear before the office of Haryana Staff Selection Commission-respondent No.2 and thereafter, he will be provided one opportunity to submit his result/marks-sheets afresh after downloading the same from the official website (NCVT MIS portal) of the respondent-Commission.

Allowed accordingly.

(RITU BAHRI)
JUDGE

22.04.2022
ajp

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