

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227

CWP-26848-2017

DATE OF DECISION: 21.07.2022

NARESH KUMAR

... Petitioner(s)

Versus

STATE OF HARYANA & ANR

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Surender Pal, Advocate for the petitioner.

Dr. Kapil Bansal, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has sought a writ in the nature of certiorari for quashing and setting aside the Notice for interview and viva-voce dated 12.08.2017 (Annexure P-6) for the post of Shift Attendant against Advertisement No.03/2016, Cat. No.01 whereby the candidature of the petitioner for the post of Shift Attendant under BCA category was not considered.

Learned counsel for the petitioner contends that the petitioner had applied for the post of Shift Attendant in pursuance to the advertisement issued by the respondents on 20.02.2016. The petitioner was successful in the written examination and was called for scrutiny of documents. He further contends that the requisite qualification for the post of Shift Attendant was 02 years ITI Course in the trade of electrician. The petitioner had obtained the State level trade certification of two years with effect from August, 2010 to July, 2012. He also contends that the petitioner had obtained one year ITI certification in the All India Trade Test in July, 2014. The respondents were

considering the one year certification of the petitioner and had found him ineligible.

The Coordinate Bench of this Court by order dated 27.11.2017 had directed that the result of the petitioner along with requisite certificate be produced in Court on 14.12.2017 and the Commission was directed to provisionally interview the petitioner subject to the final outcome of the writ petition, but the result of the petitioner was not to be declared till further orders. The result had been opened by the coordinate Bench of this Court on 20.01.2020 which indicated that the petitioner had secured 93 marks which are more than the 92 marks obtained by the last selected candidate.

Learned counsel for the respondents contends that the petitioner had not appeared for the interview on 22.12.2017 although intimation was sent to him.

Learned counsel for the petitioner, however, submits that no written intimation had been made to the petitioner about the date of interview and in fact he had received a telephonic call from the office of respondent No.3 that the interview was to take place on 23.12.2017. On 23.12.2017, the petitioner had appeared and had been duly interviewed.

On the last date of hearing, learned counsel for the respondents had sought time to seek instructions as to whether any post of Shift Attendant was vacant so that the petitioner could be adjusted without disturbing any candidate who had been appointed.

Learned counsel for the respondents submits that two posts of Shift Attendants of BC-A category are lying vacant at Karnal and Ambala.

Heard.

The petitioner is a meritorious candidate in the BC-A category. It would be in the interest of justice that the petitioner is adjusted as per his merit without disturbing successful candidates as the appointments are stated to have made in the year 2019. He has secured more marks than the last selected candidate in the BCA category. There is no dispute that the petitioner has the requisite qualification of two years certification in ITI but the respondents are stating that he did not produce the certificate at the time of scrutiny. The petitioner has been interviewed in pursuance to the order of this Court.

Consequently, the petition is allowed. The petitioner would be appointed as Shift Attendant on either of the two vacant posts. The petitioner will also be entitled to the notional benefits from the date other successful candidates had been appointed in pursuance to this advertisement No.03 of 2016.

(ANUPINDER SINGH GREWAL)
JUDGE

21.07.2022

SwarnjitS

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No