

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

CWP-27247-2022 (O&M)

Date of decision: November 29, 2022

Mahesh Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vipin Pal Yadav, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for setting aside final result dated 09.11.2022 (Annexure P-3) for the post of Carpenter of Public Work Department (B&R). Petitioner was non suited on the ground that he has not acquired essential experience of 3 years. Whereas, petitioner claims of having got work experience of more than three years as a Carpenter.

2. Pledged case of petitioner is that he has worked with the Mahendergarh Pal Automobiles & Agro-Implements (Regd. Under Punjab Co-op. Societies Act No.202 MI) Covered under Apprenticeship Act of 1961 Dadri Road, Mahendergarh as a Carpenter from 02.08.2014 to 01.08.2015. Petitioner also worked under apprenticeship training in the Carpenter trade in the workshop of Haryana Roadways, Narnaul from 15.10.2016 to 14.10.2018. Apart from this, petitioner appeared in the examination conducted by Ministry of Skill Development and Entrepreneurship (MSDE) by Director General of

Training (DGT), which was also the part of apprenticeship training scheme, wherein, petitioner secured 412 marks out of 520.

2.1. Pursuant to advertisement No.01/2020 dated 12.02.2020 (Annexure P-1) published by respondent-Haryana Staff Selection Commission for various posts including the post of Carpenter, category No.5, petitioner applied for the same. He is a high school graduate and an ITI diploma holder. Written examination was conducted and petitioner qualified it. Final result was declared by respondent No.2 on 09.11.2022 (Annexure P-3), but name of the petitioner did not find mention therein. Candidature of the petitioner was rejected because he was not having 3 years' experience as Carpenter. Hence, the present petition.

3. Notice of motion.

4. On advance service, learned State counsel appears and accepts notice on behalf of the respondent-State and opposes the petition.

5. I have heard rival contentions of learned counsel for the parties and gone through the record.

6. From the record appended with the writ petition, it appears that petitioner was non-suited essentially on the ground of lacking requisite work experience as a Carpenter, and that too, without making any verification for his previous employer who is also State Government entity being Haryana Roadways, Narnaul. Petitioner has appended a copy of certificate dated 26.11.2018 (Annexure P-6) which reflects that he had undergone an apprenticeship training in the Carpenter trade from 15.10.2016 to 14.10.2018. On a Court query, it transpires that said apprenticeship training is a paid training and petitioner was made to work as a Carpenter for 2 years. Therefore, *prima facie* it appears that he possesses 2 years of work experience as a Carpenter though as an apprentice. Not only that, learned counsel for the petitioner states

that the selection to the post of apprenticeship in Haryana Roadways, Narnaul was made after written examination as well as after verifying skills of the petitioner in the Carpenter trade. Prior thereto, petitioner is stated to have worked as a Carpenter from 02.08.2014 to 01.08.2015 as per his work experience certificate dated 08.08.2015 (Annexure P-5) and that too does not seem to have been verified before counting his total experience of 3 years. Had the needful been done, petitioner perhaps would have been found eligible.

7. Be that as it may, writ petition is disposed of with the direction to the respondents to verify the work experience of the petitioner. In case, it is found that he had indeed rendered work as a Carpenter, benefit thereof be given to him to determine his eligibility.

8. Till the decision is taken on the eligibility of the petitioner, one post in question, subject to it being available as on today, shall not be filled up.

9. Needful exercise be carried out within a period of 2 months from today.

10. Pending application(s), if any, also stand disposed of.

(ARUN MONGA)
JUDGE

November 29, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No