

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27756-2022 (O&M)

Date of Decision: 05.12.2022

Manish

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sunil K. Nehra, Mr. Suryaveer S. Surjewala &
Mr. Viren Nehra, Advocates
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the details of candidates uploaded on the website of the Haryana Staff Selection Commission on 15.11.2022 (Annexure P-5) to the extent that against the roll number of the petitioner it has been mentioned as “Not Eligible” on the ground that his experience is less than 2 years, whereas petitioner claims of having got work experience of 3 years.

2. Pleaded case of the petitioner is that he is fully eligible for the post of Painter as he had completed his apprenticeship training with the Haryana Roadways, Rohtak Depot in the Trade of Painter General w.e.f. 05.11.2016 to 04.11.2019 and he had also been paid salary for the said period. Further there is no defect either in his ITI certificate or the Apprenticeship certificate.

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 Painter, category No.9, petitioner applied for the same.

He is an ITI diploma holder. Written examination was conducted and petitioner qualified it. Final result (Annexure P-4) was declared by respondent No.2 on 14.11.2022, but candidature of the petitioner was rejected because he was not having 3 years' experience as Painter. 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 Painter, and that too, without making any verification from his previous employer, who is also a State Government entity being Haryana Roadways, Rohtak Depot. Petitioner has appended a copy of certificate (Annexure P-9) which reflects that he had undergone an apprenticeship training in the Painter General trade from 05.11.2016 to 04.11.2019. On a Court query, it transpires that said apprenticeship training is a paid training and petitioner was made to work as a Painter for 3 years. Therefore, *prima facie* it appears that he possesses 3 years of work experience as a Painter though as an apprentice. Not only that, learned counsel for the petitioner states that the selection to the post of apprenticeship in Haryana Roadways, Rohtak Depot was made after written examination as well as after verifying skills of the petitioner in Painter trade. 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 Painter, benefit thereof be given to him to determine his eligibility.
- 8. Needful exercise be carried out within a period of 2 months from today.
- 9. Pending application(s), if any, also stand disposed of.

(ARUN MONGA)
JUDGE

December 05, 2022
ashish

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