

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

CWP-28401-2022 (O&M)

Date of decision: December 09, 2022

Sukhbir

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vandit Jain, Advocate,
Ms. Manju Yadav, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of writ in the nature of Certiorari seeking to set aside final result dated 14.11.2022 (Annexure P-3) for the post of Painter of Public Work Department (B&R). Petitioner was non-suited on the ground that he has not acquired essential experience of 2 years. Whereas, petitioner claims of having got work experience of more than two years as a Painter.

2. Pledged case of petitioner is that he had attended the Apprentice training in the Painter Trader with Maruti Suzuki India Limited, which is covered under the Apprenticeship Act of 1961 from 15.12.2017 to 31.12.2018. Copy of Apprenticeship Certificate is appended with the petition as Annexure P-5. He had also worked as an Associate Trainee- Painter with Mahindra & Mahindra Ltd. FES (Swaraj Division) from 01.02.2019 to 29.02.2020. Copy of aforesaid experience certificate is appended with the petition as Annexure P-6.

Petitioner had completed his Diploma in the trade of Painter General from

Government Industrial Training Institute, Kaithal and got issued certificate dated 02.12.2017 (Annexure P-7) by the Ministry of Skill Development and Entrepreneurship, NCVT, which shows the marks obtained by the petitioner in the Trade Test as 1922 out of total 2700 marks.

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 in the trade of Painter. Written examination was conducted. Final result (Annexure P-3) was declared by respondent No.2 on 14.11.2022, but name of the petitioner did not find mention therein. Candidature of the petitioner was rejected because he was not having essential experience of 2 years. 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 i.e., Maruti Suzuki India Limited. Petitioner has appended a copy of certificate dated 27.12.2018 (Annexure P-5) which reflects that he had undergone an apprenticeship training in the Painter trade from 15.12.2017 to 31.12.2018. Further petitioner has appended a copy of certificate dated 23.06.2022 (Annexure P-6) which reflects that he had worked as an Associate Trainee-Painter with Mahindra & Mahindra Ltd. FES (Swaraj Division) from

01.02.2019 to 29.02.2020. Therefore, *prima facie* it appears that he possesses 2 years of work experience as a Painter though for one year as an apprentice. Not only that, learned counsel for the petitioner states that the selection to the post of apprenticeship in Maruti Suzuki India Limited was made after written examination as well as after verifying skills of the petitioner in the Painter trade. Petitioner is stated to have worked as a Painter from 01.02.2019 to 29.02.2020 as per his work experience certificate dated 23.06.2022 (Annexure P-6) and that too does not seem to have been verified before counting his total experience of 2 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 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 09, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No