

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

CWP-29087-2022 (O&M)

Date of decision: December 16, 2022

Naresh Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Bhupinder Malik, 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 impugned result dated 17.11.2022 (Annexure P-14) for the post of Operator (Category No.27) to the extent of non-selection of the petitioner under BCA category.

2. My attention has been drawn to the eligibility conditions for the post of Operator (Category No.27) which, *inter alia*, envisage that persons applying should have ITI Certificate in Mechanical Trade along with 5 years' experience in the relevant field.

3. Pleaded case of the petitioner is that he is fully eligible for the post of Operator, as he had worked with M/s Vipin Motors Pvt. Ltd., Hisar for two years i.e., from 01.10.2012 to 30.09.2014. Thereafter, petitioner again worked with the said company for 4 years i.e., from 01.10.2014 to 30.09.2018. He states that there is no defect in his work certificates.

3.1. Pursuant to advertisement No.14/2019 dated 22.08.2019 (Annexure P-9) published by respondent-Haryana Staff Selection Commission for various posts including the post of Operator, category No.27, petitioner applied for the same. Written examination was conducted and petitioner qualified it. Detailed final result (Annexure P-15) was declared by the respondent on 18.11.2022, but candidature of the petitioner was rejected, ostensibly for lack of 5 years' experience as Operator. Hence, the present petition.

4. On advance service, the learned State counsel appears and submits that a decision will be taken by the competent authority, either way, on the pending representation of the petitioner by passing a speaking order.

5. At this stage, learned counsel for the petitioner also seeks decision on the pending representation dated 29.11.2022 (Annexure P-16), as suggested by learned Statecounsel.

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the instant writ petition is disposed of with a direction to the respondents to look into the pending representation (Annexure P-16) of the petitioner and pass an administrative order, giving specific reasons thereof, in accordance with law. It would be appreciated if the applicable service rules vis-à-vis Rule 7 of Haryana Irrigation Department, Circle Cadre, Workmen Establishment Group C Service Rules, 2011 are gone through before passing the administrative order.

8. Let the needful be done as expeditiously as possible but in any case not later than 6 weeks.

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

(ARUN MONGA)
JUDGE

December 16, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No