

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP-2173-2023
Date of decision:- 03.02.2023

Pawan

...Petitioner

Versus

Haryana Staff Selection Commission and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Bhupinder Malik, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

Instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned result dated 17.11.2022, Annexure P-21, of the post of Operator in the BCA category. A further prayer has been made that the Apprenticeship Training period of the petitioner be treated as experience gained on the post in the light of the clarification dated 06.05.1997, Annexure P-24, given by the Department of Education, Ministry of Human Resource Development, Government of India.

Counsel for the petitioner submits that the petitioner is an applicant for the post of Operator in the BCA category pursuant to advertisement No. 14/2019, Annexure P-16. Counsel submits that the petitioner possesses the requisite eligibility qualification, etc. and when the

final result was declared, petitioner found that his candidature had been rejected on the ground that he did not possess the essential experience of five years. Counsel has placed reliance upon the instructions, Annexure P-24, as well as judgment of the Hon'ble Supreme Court in *Civil Appeal No. 4385 of 2009* titled as "*Krishan Lal Versus State of Haryana and others*", decided on 16.07.2009, Annexure P-26, to submit that the Apprenticeship period has to be counted towards experience. By referring to the note to the final result, Annexure P-21, counsel submits that all 44 posts of the BCA category are lying vacant due to non-availability of eligible candidates. An alternate argument has been raised by the counsel that even if the Apprenticeship period is not taken into account, the petitioner possesses four years experience and by virtue of power of relaxation provided in proviso to Rule 7 of Haryana Irrigation Department, Circle Cadre, Workmen Establishment Group C Service Rules, 2011, the qualifications regarding experience can be relaxed by the recruiting agency. He submits that the petitioner has submitted a representation dated 25.11.2022, Annexure P-23, to the Haryana Staff Selection Commission, which has not been attended to and the petitioner will be satisfied in case the respondent concerned is directed to look into the same.

Notice of motion.

On asking of the Court, Mr. Anant Kataria, DAG, Haryana accepts notice on behalf of the respondents.

Given the nature of order being passed, this Court does not deem it appropriate to call upon the respondents to file a response.

Having heard counsel for the parties, but without commenting on the arguments raised by counsel for the petitioner, writ petition is disposed of with a direction to respondent No.1 to examine the representation, Annexure P-23, in view of the submissions made by counsel for the petitioner and pass an appropriate order within a period of four weeks from the date of receipt of a copy of this order.

03.02.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No