

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

(121)

CWP-2685-2023 (O&M)-
Date of decision:- 21.02.2023

Rajesh

...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)

CM-3058-CWP-2023

Application is allowed as prayed for.

Representation dated 14.02.2023 is taken on record as Annexure
P-26.

Main case

By way of instant petition filed under Article 226/227 of the Constitution of India, petitioner has approached this Court *inter-alia* for issuance of a writ in the nature of certiorari for quashing of impugned result dated 17.11.2022, Annexure P-20, of the post of Operator in the BCA category. Another prayer has been made for directing the respondents to count the training period as experience gained on the post in the light of clarification, Annexures P-22 and P-23.

Counsel for the petitioner submits that the petitioner is an applicant for the post of Operator in BCA category pursuant to

advertisement No.14/2019, Annexure P-15. He submits that despite the fact that the petitioner is fully eligible, but his candidature has been rejected on the ground that he does not possess the essential experience of five years. Counsel for the petitioner has placed reliance upon instructions, Annexures P-22 and P-23 as well as judgment of the Supreme Court in ***Civil Appeal No.4385/2009 titled as Krishan Lal Versus State of Haryana and others***, decided on 16.07.2009, Annexure P-24, to urge that the training and apprenticeship period has to be counted towards experience. He submits that all the 44 posts of Operator in the BCA category are lying vacant due to non-availability of eligible candidates. In the alternative, counsel has submitted that in case the training/apprenticeship period is not counted, by virtue of proviso to Rule 7 of the Haryana Irrigation Department, Circle Cadre, Workmen Establishment Group-C Service Rules, 2011, power of relaxation can be exercised by the recruiting agency. He submits that during the pendency of the petition, petitioner has submitted a representation dated 14.02.2023, Annexure P-26, which has not been attended to and the petitioner will be satisfied in case a direction is issued to the Commission-respondent No.1 to look into it.

Notice of motion.

On asking of the Court, Mr. R.K.S.Brar, Additional Advocate General, Haryana, accepts notice on behalf of the respondents.

Given the nature of order being passed, this Court does not deem it necessary to call for a return from the respondents.

Having heard counsel for the parties, but without examining of the submissions made by counsel for the petitioner, writ petition is disposed of with a direction to respondent No.1 to examine the representation, Annexure P-26, and pass an appropriate order within a period of four weeks from the date of receipt of certified copy of the order.

21.02.2023
Kamal

(SUVIR SEHGAL)
JUDGE

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