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2023:PHHC:116126

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4615-2019
DECIDED ON: 04.09.2023

MANOJ LAMBA AND ORS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kuldeep Sheoran, Advocate
for the petitioners.

Mr. Sandeep Singh Mann, Addl. AG, Haryana.

Mr. Vasu Gupta, Advocate for
Mr. Prateek Mahajan, Advocate for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari to quash the impugned notice/announcement dated 10.08.2018 (Anneuxre P-4) vide which the petitioners have not been called for interview to make appointments as Mandi Supervisor-cum-Fee Collector with a further prayer for quashing the action of the respondent, which limited the recognition of computer course certificates to the extent of 16 Cat., only as per report dated 07.09.2018 (Annexure P-7) and issue a writ in the nature of mandamus directing the respondent-Commission to select the petitioners on the post of Mandi Supervisor-cum-Fee Collector against category No.17.

2. Challenge has been made invoking the jurisdiction of this Court under

Article 226 of the Constitution of India to the rejection of candidature of the petitioner on the ground that he does not possess the requisite qualification i.e., 6 months' certificate course in computer from a recognized Institution relying upon a certificate dated 05.06.2015 at (Annexure P-2) qua the petitioner No.1, a certificate in Software Computer Management issued by JK Infosys Computer Education recognized by the Government of Haryana.

Qua the petitioner No.2, a certificate dated 05.06.2015 (Annexure P-2) in Software Computer Management issued by Nice Computers, registered by the Government of Haryana and for petitioner No.3, a certificate in Software Computer Management issued by Rajeev Gandhi Computer Saksharta Mission, registered under the Company Act, 1956 by Government of India

On the last date of hearing, learned State counsel was directed to get the instructions qua the status of that certificate and in response to that Mr. Mann has produced the instructions in writing received by him from the HSSC stating that the said institutes are not recognized by the State of Haryana in any manner whatsoever, but from the certificate, it is evident that it is registered by the Government of Haryana.

From the perusal of advertisement dated 10.07.2015 (Annexure P-1) at category No.18 for the post of Accountant (M.C.) one of the essential qualifications mentioned in clause (ii) clearly indicates that the 6 months' computer course certificate has to be from recognized Institution, which is lacking in the case of the petitioners. Therefore, this petition is devoid of any merit.

Apart from above, the State Government has produced the outcome of a meeting dated 07.09.2018, which decided that the Computer Course from the following institutes will be considered to be valid for the post of Auction Recorder, Accountant (MC) and Mandi Supervisor qua the advertisement No.7/2015

(Annexure P-1), CAT.17, 18 and 19:-

- “1. One year Diploma for Computer Operator and Programming Assistant, Desk Top Publishing Operator, Computer Hardware and Network Maintenance and six month Diploma of Data Entry Operator issued by Skill Development and Industrial Training Department
2. Certificate Course (144 hours) of C-DAC.
3. Certificate Course of HKCL.
4. Certificate Course of HARTRON.
5. All Engineering, Degree/ Bachelor Degree/ Master Degree (different nomenclature) in. Computer/ Computer Engineering/ Computer Science/ Information Technology:/ Computer Application eg B.Tech./ BE/B Sc. Engg./ BCA) B.Sc./ Masters in Computer/ Computer Science/ Information Technology/ Computer Application recognized for AICTE/UGC.
6. HARTRON Diploma in Financial Accounting from HARTRON Skill Centre.
7. Diploma/Computer Course from District Council for Child Welfare.
8. Diploma/Computer Course from Red Cross Society.
9. Diploma/Computer Course from National Institute of Skill Development (NISD) approved from MHRD/Any State Government.
10. Diploma/Computer Course from District Rural Development Agency (DRDA).
11. Diploma/Computer Course from NIELT (Ministry of IT, Govt. of India).
12. Diploma/Computer Course from any wing of India Force (Army/Air Force/Navy).
13. Diploma/Computer Course from ET&T Corporation Ltd.
14. Computer Diploma issued by a College affiliated/recognized to University (framed under state Act/Central Act).”

On a scrutiny of certificates relied upon by the petitioners, it is evident that the same have been issued for a Computer Course to private institutes namely JK Infosys, Nice Computers and Rajiv Gandhi Computer Saksharta Mission and none of these institutes fall within the ambit of above-said list of institutes to consider them as valid for consideration.

As such, the petitioners are found to be not eligible to compete for categories No.17, 18 and 19 of Advertisement No.7/2015.

Hence, petition stands dismissed being devoid of any merits.

04.09.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>