

202-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4788-2019

Date of decision: 12.05.2023

VISHVENDU

...Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ravinder Singh Dhull, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

JAISHREE THAKUR, J.

1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of certiorari for quashing notice dated 13.02.2019 (Annexure P-10), wherein roll number of the petitioner was not mentioned for the post of Auction Recorder.

2. In brief, the facts as culled out are that the petitioner herein being a dependent of Ex-Servicemen, applied for the post of Auction Recorder vide advertisement No.7/2015 dated 10.07.2015 (Annexure P-1) under category No.19, as issued by the Haryana Staff Selection Commission. The petitioner qualified the written examination and secured 120 marks and was called for scrutiny of documents but was not called for interview on the ground that the certificate of the petitioner in Computer Education was not valid. The petitioner

approached this Court by way of filing CWP No.22630 of 2018, seeking to challenge the fact that he was not called for interview, which writ petition was disposed of on 14.11.2018. The entire grievance of the petitioner herein is that having the necessary marks, he ought to be offered appointment by considering his Computer Course as valid.

3. Learned counsel for the petitioner would argue that as per the advertisement issued, 269 posts of Auction Recorder were to be filled up with essential qualification of Graduation with 50% marks from a recognized University or its equivalent with six months' certificate in computer from a recognized Institution and Hindi/Sanskrit upto Matric Standard or higher education. He would submit that the petitioner had done his Senior Secondary Education and Graduation in B.Sc. from Maharshi Dayanand University, Rohtak and had necessary percentage to be considered eligible for appointment on the said post. He had also obtained a certificate in Computer Education Examination held in April, 2012, as conducted by Kishanlal Public College, Rewari, which is affiliated to Maharshi Dayanand University, Rohtak and, therefore, his Computer Certificate could not have been ignored. He would further argue that a decision had been taken by the Haryana Staff Selection Commission on 07.09.2018, whereby, certificate issued by the enlisted 16 Institutes would be considered for Computer Courses for the post of Auction Recorder and at serial No.14 of the said list it is mentioned that '*Computer Diploma issued by a College affiliated/recognized to University (framed under State Act/Central Act)*', would be considered and, therefore, it is sufficient to consider the petitioner eligible.

4. Learned State counsel would submit that the petitioner was not considered eligible for the post of Auction Recorder on account of his certificate not being in consonance with the advertisement issued.

5. I have heard learned counsel for the parties and find that the ground for rejecting the claim of the petitioner for appointment as Auction Recorder is without any merit.

6. A perusal of the said advertisement would reflect that the essential qualification prescribed thereunder for the post of Auction Recorder was Graduation with 50% marks from a recognized University or its equivalent, with six months certificate in computer from a recognized Institution and Hindi/Sanskrit upto Matric Standard or higher education. Apart from having the necessary educational qualification, the candidate was required to hold a six months' certificate in computer from a recognized Institution. The certificate in Computer Education as relied upon by the petitioner has been issued by Kishanlal Public College, Rewari, which is affiliated to Maharshi Dayanand University, Rohtak, which has been established under Haryana Act 25 of 1975. Therefore, in terms of the decision taken by the Haryana Staff Selection Commission itself on 07.09.2018 that Computer Diploma issued by a College affiliated/recognized to University (framed under State Act/Central Act) would be considered as a Computer Course required for being considered for the post of Auction Recorder, the petitioner herein ought to be considered for appointment on the said post.

7. Consequently, finding that the Computer Certificate as relied upon by the petitioner is issued by a Kishanlal Public College, Rewari, which is

affiliated to Maharshi Dayanand University, Rohtak, which has been established under Haryana Act 25 of 1975, the instant writ petition is allowed and the petitioner herein is held entitled for appointment to the post of Auction Recorder, if any such post is vacant as on date. If the post is found to be vacant, the name of the petitioner herein be recommended forthwith and letter of appointment to follow in case the petitioner fulfills all other eligibility conditions. The petitioner would also be entitled to all consequential benefits.

12.05.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No