

CWP-6672-2022;
CWP-6848-2022;
CWP-7037-2022 AND
CWP-11121-2023

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2023:PHHC:148867

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-6672-2022
Decided on : 22.11.2023

Sombir and others
Versus
Haryana Staff Selection Commission and others
AND
... Petitioners
... Respondents

Ravinder Kumar
Versus
Haryana Staff Selection Commission and others
AND
CWP-6848-2022
... Petitioner
... Respondents

Anoop Singh
Versus
State of Haryana and another
AND
CWP-7037-2022
... Petitioner
... Respondents

Rajender and others
Versus
State of Haryana and another
AND
CWP-11121-2023
... Petitioners
... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Samrat Malik, Advoate
for the petitioners in CWP-6672-2022.

Mr. Sarthak Gupta, Advocate
for the petitioner in CWP-6848-2022.

Mr. Navnit Sharma, Advocate for
Mr. R. S. Dhull, Advocate
for the petitioners in CWP-7037-2022.

None for the petitioner in CWP-11121-2023.

Mr. Harish Nain, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the action of the respondent by which the petitioners have been treated ineligible for the post of Laboratory Technician.
2. All the petitions are being disposed of by a common order as all the petitions involve the same question of law on similar facts.
3. The Haryana Staff Selection Commission (hereinafter referred as 'HSSC') advertised 307 posts of Laboratory Technician as per Advertisement No. 15 of 2019. The petitioners considering themselves to be eligible as per the Essential Qualification mentioned in the advertisement applied for the post in question but after the completion of the selection process, the petitioners were not considered for the post as they were treated ineligible by the respondents.
4. Learned State counsel submits that the issue qua the ineligibility of the petitioners was brought to the notice of the department and the Department of Health Services informed HSSC that keeping in view the qualification possessed by the petitioners, they are eligible to compete for the post in question.
5. Learned State counsel submits that thereafter, no communication has been received from HSSC qua the issue of ineligibility in respect of the petitioners.
6. I have heard learned counsel for the parties and have gone through

the record with their able assistance.

7. The employer is the one who has to decide the eligibility of a candidate. HSSC is only a recruiting authority to adjudge as to which candidate is better suited for the job. They have no authority to supersede the eligibility conditions provided by the State and any clarification qua the eligibility given by the State to HSSC should be conceded to unless and until, the said clarification being given by the State is on the face of it not correct or contrary to the rules governing the service or the advertisement in question.

8. In the present petition, from the reply given by HSSC, it is clear that *prima facie*, they had considered the eligibility of the petitioners under a wrong clause as compared to the eligibility being claimed by the petitioners under the clause where a candidate was 10+2 with physics and chemistry and having one year Laboratory Technician diploma from the institution recognized by the Haryana State. Keeping in view the qualification which the petitioners possess, the State has already written to the Department that the petitioners are entitled to be considered eligible for the post in question. Hence HSSC was under obligation to grant the petitioner the benefit of consideration by treating them eligible.

9. Keeping in view the stand of the State where the petitioners have been treated to be eligible by the employer, the direction is given to HSSC to consider the petitioners eligible for the post in question alongwith the other eligible candidates keeping in view the advertisement under which the petitioners have applied for.

10. Let the consideration of the petitioners be finalized within a period of 3 months from the receipt of the certified copy of this order. In case the

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petitioners are found entitled for any benefit in pursuance to the consideration, including selection/appointment, the same be also extended to them within a further period of 6 weeks.

- 11. The petitions are disposed of with the aforesaid terms.
- 12. Photocopy of this order be placed on the files of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

22.11.2023
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No