

203.

2023:PHHC:068782

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-9159-2019

Date of Decision: 12.05.2023

NARESH KUMAR

.... Petitioner

Versus

HARYANA STAFF SELECTION COMMISSION

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Kapil Bansal, DAG, Haryana.

JAISHREE THAKUR.J (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of mandamus directing the respondents to consider the petitioner eligible for the post of Upper Divisional Clerk (UDC), category No.2, under advertisement dated 22.02.2016, Annexure P-1.

2. Brief facts of the case are that 83 posts of UDC were advertised under S.C. category and the essential qualification, as per the advertisement, was Bachelor Degree in Commerce with at least 60% marks for General Category and 55% marks for SC category candidates along with knowledge of Hindi/Sanskrit upto Matric standard or higher education and “O” Level course or above of computer, for a minimum period of one year from NIELIT (DOEACC) or HARTRON. The weightage was also to be given for experience to the contractual workers who had been engaged by the Power Utilities.

3. It is submitted that the petitioner being eligible for the post applied under the Scheduled Caste category and was subsequently called for scrutiny of documents, however, was surprised when his name was not reflected in the final merit list prepared. Counsel would contend that under the SC category, cut off was 68 marks for UHBVN and 88 marks for DHBVN. The petitioner having scored 92 marks in the written examination and being eligible, ought to have been offered appointment. It is submitted that he was not put to notice as to why his candidature was rejected. Hence, the present writ petition.

4. Pursuant to notice of motion having been issued, reply has been filed by the Haryana Staff Selection Commission, Panchkula stating that even though the petitioner had the necessary marks to be appointed but he did not fulfill the eligible clause. The essential qualification as published in advertisement, was that the candidate, applying for the post under Category No.2, was required to have *“O” Level course or above of computer, for a minimum period of One year from NIELIT (DOEACC) or HARTRON*, which certificate the petitioner did not possess. It is argued that only those candidates have been offered appointment to the post of Upper Division Clerk who had done the said “O” level course from NIELIT (DOEACC Society) or HARTRON, for a period of one year whereas the petitioner had done one year course from Rashtriya Saksharta Mission IT Programme, which certificate is not recognized. It is submitted that the petitioner has also relied upon a computer education program certificate issued which was valid only for a period of 6 months.

5. I have heard learned counsel for the parties and have also gone through the pleadings of the case. It is an admitted fact that an advertisement was issued to fill in posts of Upper Division Clerk in UHBVNL and the essential qualification as required was duly mentioned in the advertisement. The petitioner even though having scored more marks in the SC category cannot be considered for appointment because he did not have necessary essential qualification of *“O” Level course or above of computer, for a minimum period of One year from NIELIT (DOEACC) or HARTRON* and the certificate that he has relied upon did not fulfill that qualification.

6. Consequently, there is no merit in the writ petition and the same is dismissed.

(JAISHREE THAKUR)
JUDGE

12.05.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No