

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

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**CWP No.8476 of 2023
Date of decision:24.04.2023**

Mukesh Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Pardeep Kumar Sehrawat, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition, petitioner has sought issuance of a writ in the nature of *certiorari* for quashing of final result for the post of Machinist Instructor (Theory) as the petitioner has been declared ineligible on the ground that he does not possess the requisite experience.

2. Counsel for the petitioner submits that petitioner had applied for the aforesaid post in the EWS category pursuant to advertisement dated 20.07.2019 (Annexure P-1) issued by the Haryana Staff Selection Commission-respondents No.2 and 3 and was successful in the written test. Counsel submits that however, in the impugned final result (Annexure P-4), roll number of petitioner was not shown in the list of the selected candidates. By referring to the details of notice (Annexure P-5), counsel submits that the petitioner has been declared as ineligible on account of lack of required experience. Counsel has invited an attention of the Court to Annexure P-7

(relevant pages 147 and 148) to contend that the petitioner cleared the final examination of Diploma in Mechanical Engineering (Tool & Die) from the Govt. Polytechnic Sonapat in May/June, 2011, though Diploma Certificate was issued in July, 2014. Still further, by making a reference to the Experience Certificates (appended at pages 149 and 151), he submits that the petitioner has gained the requisite experience with Tata Motors. It is his submission that the petitioner possesses more experience than the requisite experience of two years, but his candidature has wrongly been rejected.

3. Advance copy of the petition has been served upon the State.
4. State counsel has produced the result of the petitioner in a sealed cover, which is ordered to be opened. Result is taken on record.
5. Perusal of the result shows that the petitioner has scored 67 marks in the written examination, 05 marks as no family member of the petitioner is in Govt. service and another 05 marks on account of socio-economic criteria.
6. I have heard counsel for the parties.
7. Final result (Annexure P-4) declared by the Commission reveals that cut-off marks for the EWS category are 71 marks and the last candidate in the waiting list of the said category has 69.50 marks. It is, therefore, apparent that petitioner has met the cut-off.
8. In the light of the certificates referred to by counsel for the petitioner, this Court is of the opinion that candidature of the petitioner deserves to be re-considered. Accordingly, respondents No.3 and 4 are directed to re-consider the candidature of the petitioner. In case,

Commission comes to the conclusion that petitioner is not eligible, an order be passed giving reasons for rejection. Necessary exercise be carried out within a period of four weeks from the date of communication of copy of this order.

9. Writ petition is disposed of.

April 24, 2023
savita

(SUVIR SEHGAL)
JUDGE

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