

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No.11398 of 2019 (O&M)

Date of Decision.16.01.2023

Monika

...Petitioner

Vs

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

The instant writ petition has been filed under Article 226 of the Constitution of India with the prayer for issuance of a writ in the nature of Mandamus, directing respondent No.2 to give additional 8 marks for experience certificates and 5 marks in case of orphan as well as marks for additional qualification, for selection to the post of Sub Inspector (Female) in view of advertisement No.3/2018 under Category No.5.

In brief, facts are that an advertisement No.3/2018 dated 16.04.2018 was issued by Respondent No.2-Commission inviting applications for filling up various posts in the Police Department, Haryana. The petitioner applied for the post Sub-Inspector (Female) under Category No.5. There were total 63 posts, however, the petitioner chose to compete under BCA category for which category 9 posts were kept. The petitioner was issued admit card, according to which physical test was scheduled to be held on 19.02.2009 at Tau Devi Lal Stadium, Sector 3, Panchkula and the scrutiny of document was slated for 21.02.2019. Petitioner having passed the screening test, submitted all the documents along with experience certificates for scrutiny on 21.02.2019 at Directorate Sports Office Building, Tau Devi

Lal Stadium, Sector 3, Panchkula, however, experience certificates as furnished by the petitioner were not taken into consideration without any reason. Petitioner secured total 53 marks, however, no marks are awarded for qualification, orphan and experience certificates to the petitioner. Aggrieved against the aforesaid action of the respondents, petitioner approached this Court by way of instant writ petition.

Learned counsel appearing for the petitioner would contend that the petitioner has done B.Sc. (Non Medical) and M.Sc. (Physics), which is equivalent to Computer Engineering/Science and therefore, she is entitled for maximum marks for additional qualification, which have not been granted to her. Further, it is submitted that she has experience of working as Assistant Professor of Physics on contract basis in Adarsh Mahila Mahavidyalaya, Bhiwani from 16.07.2015 to 31.03.2016 and Lecturer in Physics in Ishwarwal Public School, Bhiwani from 01.04.2017 till date, however, no marks have been awarded for the same by the respondents. It is also contended that she was also not provided marks as being Orphan and if marks under abovesaid categories are provided to the petitioner, her marks would be much higher than what has been awarded to her.

Pursuant to notice of motion having been issued, respondents have put in appearance and filed written statement.

Learned counsel appearing for the respondents would submit that petitioner is not entitled for any marks for additional qualification as it has been specifically mentioned in the advertisement that 4 marks would be provided to the candidate with higher education i.e. Graduation degree in Law, Computer Engineering/Science, Forensic Medicine, Forensic Science, Police Science and Criminology (which take 4 or more years after 10+2 to

get a specialized degree) issued from a recognized University and additional three marks for a post graduate degree in any of the aforementioned streams issued from a recognized University. It was further clarified that candidates with a post graduate degree in any stream other than the ones mentioned above shall get no extra marks. The petitioner has done B.Sc. degree, in which there was a subject of Computer Science and therefore, the same cannot be said to be equivalent to Computer Engineering/Science as has been claimed by the petitioner. Further, B.Sc. is a three years course after 10+2 whereas as per the requirement of advertisement, the degree should be of 4 or more years after 10+2 to get a specialized degree in the streams as mentioned above and therefore, she is not entitled for 4 marks under the said head. As regards marks for post graduation, M.Sc. in Physics cannot be said to be equivalent to a post graduation degree obtained in Law, Computer Engineering/Science, Forensic Medicine, Forensic Science, Police Science and Criminology and thus, not entitled for any marks for the same. It is further contended that the petitioner did not furnish any details in the application form qua experience and furthermore, in the scrutiny form dated 22.02.2019, the petitioner has mentioned 'Not Applicable' against the column of experience. Same is the position with orphan certificate. In view of the aforesaid position, the petitioner is not entitled for any marks other than what has been awarded to her.

I have heard learned counsel for the parties and have perused the paper book. Admittedly, petitioner has done B.Sc. which is a three years course after 10+2 and as per the advertisement, only those candidates who have obtained a 4 or more years degree after 10+2 in Law, Computer Engineering/Science, Forensic Medicine, Forensic Science, Police Science

and Criminology were made entitled for 4 marks and thus, the said benefit could not be granted to the petitioner. Similarly, petitioner did her post graduation in M.Sc. (Physics) which is again not the stream for which she could be granted 3 marks for higher qualification. As regards, marks to be awarded for being Orphan, claim of the petitioner is liable to be rejected as she was unable to furnish any documentary evidence qua same. A perusal of the scrutiny form dated 22.02.2019 would reflect that against the column of experience, petitioner mentioned as 'Not Applicable' and since, no details/documents were provided before the scrutiny committee regarding her experience certificates, she was rightly not granted any marks for the same. Moreover, a perusal of Annexure P-5, i.e. experience certificates, would reveal that two experience certificates were issued to the petitioner by Adarsh Mahila Mahavidyalaya, Bhiwani; one is dated 12.09.2017 and another is dated 11.04.2019 for the same period i.e. from 16.07.2015 to 31.03.2016 on similar letter head. Experience certificate dated 12.09.2017 is signed by the Principal of Adarsh Mahila Mahavidyalaya, Bhiwani whereas certificate dated 11.04.2019 is also signed by the General Secretary along with the Principal, which is a disputed question of fact. Another experience certificate is of Isharwal Public School dated 20.02.2019 where the petitioner worked as Lecturer in Physics from 01.04.2017 till the date of issuance of certificate. As per the condition of advertisement, 0.5 mark for each year or part thereof exceeding six months of experience, out of a maximum of 16 years, were to be granted to the candidate, who worked as an ad hoc or contractual employee on the same or the higher post in any Department, Board, Corporation, Company, Statutory Body, Commission, Authority of Government Haryana, meaning thereby, it did not include any private

institution. Therefore, experience certificate issued by Isharwal Public School cannot be taken into account being a private institution. Be that as it may, once the petitioner had not furnished the said documents at the time of scrutiny of documents and in the scrutiny form, she herself mentioned ‘Not Applicable’ against the column of experience, she cannot seek benefit of said certificates.

In view of the aforesaid facts and circumstances, this Court does not find any merit in the prayers sought by the petitioner. Consequently, the instant petition stands dismissed, being devoid of merit.

(JAISHREE THAKUR)
JUDGE

January 16, 2023
Pankaj*

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