

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-14417-2019 (O&M)
Date of decision: 18.04.2023

Vishal Gupta

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aditya Dassaur, Advocate for the petitioner.

Mr. Rohit Arya, DAG Haryana.

Mr. K.K. Gupta, Advocate for respondent No.6.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of Certiorari quashing the order dated 28.03.2019 (Annexure P-12) passed by respondent Nos.2 and 3, whereby the experience certificate dated 05.12.2018 (Annexure P-8) duly countersigned by respondent Nos.4 and 5 as per the requirement, was rejected. A prayer is also made for issuance of a writ in the nature of Mandamus directing respondent No.2 to consider the experience certificate for awarding the marks for experience and issue appointment letter to the petitioner for the post of Post Graduate Teacher (PGT) English.

Learned counsel for the petitioner submits that being eligible, the petitioner had applied for the post of PGT (English), Cat. No.5, in General Category in terms of the advertisement No. 04/2015 dated 28.06.2015; that

the petitioner appeared in the written examination and on the basis of result of the written examination, he was called for interview; that the interview was scheduled for 10.11.2018 and 11.12.2018, whereas the experience certificate was issued to the petitioner by S.D. Kanya Mahavidyalya, Narwana, District Jind, on 05.12.2018, much prior to the date of interview, but the same was countersigned by the Block Education Officer and District Education Officer, Jind, on 13.12.2018; that even the impugned order dated 28.03.2019 (Annexure P-12) passed by respondent No.3-Controller of Examination, Haryana Staff Selection Commission, does not say that the candidature of the petitioner has been ignored because of non-availability of the experience certificate; that the petitioner was forced to file a writ petition and contempt petition and after passing of order dated 28.03.2019, the contempt petition was withdrawn; that the delay in getting the experience certificate was not intentional on the part of the petitioner, as suddenly his mother fell seriously ill and was hospitalized and that as the experience certificate was issued by the School Management on 05.12.2018, well before the date of interview and thus, the candidature of the petitioner has wrongly been rejected by the Commission.

Learned State counsel submits that while filing in the application form, the petitioner did not attach the experience certificate; that even when the petitioner was called for scrutiny of documents on 07.02.2017 and 14.11.2018, he did not produce any such document and that such certificate was also not produced at the time of interview either. It is further submitted that in the attendance sheet prepared at the time of interview, the petitioner had specifically mentioned in his own handwriting as 'No' against the column of experience.

It is further submitted by the learned State counsel that the experience certificate obtained prior to the cut-off date i.e. 12.10.2015, were to be considered and that the scrutiny of documents conducted on 14.11.2018 i.e. after three years of the said date, but even the petitioner failed to produce the experience certificate, during this period.

I have heard the learned counsel for the parties and have gone through the paper book.

It is the stand of the petitioner himself that the experience certificate was issued to him on 05.12.2018 i.e. after the cut-off date for submission of the applications, which was 12.10.2015. The petitioner did not produce any experience certificate as on the date of scrutiny of the documents, which was conducted on 14.11.2018. It is the stand of the petitioner that he could not produce the certificate in time, due to the serious illness of his mother.

Once it is the specific stand of the State that as per the terms of the advertisement, the experience certificate was to be attached with the application form itself, no indulgence can be granted to the petitioner. Still further, it is undisputed position on record that even on the date of scrutiny of the documents, the petitioner was not able to produce such certificate.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

18.04.2023
Mangal Singh

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