

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

CWP No.21700 of 2018 (O&M)

Date of Decision.10.05.2023

Suresh Kumar

...Petitioner

Vs

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Suresh Kumar Kaushik, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking to challenge notice dated 10.08.2018 (Annexure P-8) issued by the respondent-Commission for the post of Mandi Supervisor-cum-Fee Collector (Category No.17) in pursuance to Advertisement No.07/2015 dated 10.07.2015 whereby the petitioner was not called for interview.

2. In brief, facts of the case are that respondent No.2-Commission had issued an advertisement dated 10.07.2015 for recruitment on 126 posts of Mandi Supervisor-cum-Fee Collector (Category No.17), against which petitioner duly applied under SC category and qualified the written examination as well. The petitioner was called for scrutiny of documents, however, his roll number did not find mention in the list of candidate called for interview. The petitioner approached respondent No.2 vide representation dated 13.08.2018 whereby the concerned official orally informed the petitioner that he has a Certificate in Computer for 90 hours instead of 280 hours and therefore, he was not called for interview.

3. Learned counsel appearing for the petitioner would contend that as per advertisement, qualification as prescribed for the post of Mandi Supervisor-cum-Fee Collector was graduation with 55% marks from a recognized University with six months certificate in computer from a recognized institution and nowhere it was mentioned that the certificate in the computer should be of 280 hours duration. It is further submitted that while issuing notice of motion, this Court had allowed the petitioner to appear for the interview provisionally and his result to be kept in a sealed cover. It is also submitted that the computer certificate of the petitioner has been issued by a recognized Institute and as per result of the petitioner produced by the respondent-Commission in Court, petitioner secured 141 marks which is higher than the last selected candidate under SC category i.e. 138 marks and therefore, the petitioner is entitled for appointment on the post of Mandi Supervisor-cum-Fee Collector.

4. Per contra, learned counsel appearing for the respondent-State would submit that the computer certificate obtained by the petitioner has not been issued by a recognized Institute, much less, he did not implead the last selected candidate under SC category and therefore, he cannot be offered appointment on the post of Mandi Supervisor-cum-Fee Collector.

5. I have heard learned counsel for the parties and have perused the paper book. A perusal of the computer certificate attached with the writ petition would show that the petitioner obtained the said certificate from Govt. P.G. College, Hisar, Haryana for a duration of one year. As per the list of Institutes provided by the respondents in CWP No.20394 of 2018 titled as *Prince Vs. State of Haryana and others* and other connected matter decided on 14.11.2018, computer diploma/certificate issued by a College affiliated/recognized to University (Framed under State Act/Central Act) has been held to be valid for

appointment to the post of Mandi Supervisor-cum-Fee Collector. In such an eventuality, computer certificate issued to the petitioner by Govt. P.G. College, Hisar, Haryana has to be held as the certificate issued by a recognized Institute. Admittedly, as per the result produced by the respondent-State, petitioner has obtained more marks than the last selected candidate under SC category.

6. In view of the aforesaid fact, the instant petition is allowed. Respondent-Commission is directed to recommend name of the petitioner for appointment to the post of Mandi Supervisor-cum-Fee Collector under SC category within a period of two weeks from the date of receipt of certified copy of this order, if found otherwise eligible and the appointment letter shall be issued to him forthwith by the concerned department. Needless to say, that the petitioner shall be entitled to all notional benefits.

(JAISHREE THAKUR)
JUDGE

May 10, 2023
Pankaj*

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