

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

CWP No.21898 of 2018 (O&M)

Date of Decision.05.01.2023

Naveen Ravish

...Petitioner

Vs

Haryana Staff Selection Commission and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vivek Sharma, Advocate
for the petitioner.

Ms. Suman Rani, Advocate for
Mr. Hitesh Pandit, Advocate
for respondent No.2.

Mr. Harish Rathee, DAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

The petitioner herein by way of instant writ petition filed under Article 226/227 of the Constitution of India seeks issuance of a writ in the nature of mandamus, directing the respondents to consider candidature of the petitioner for appointment to the post of Mandi Supervisor, being fully eligible as he secured higher marks than the last selected candidate called for interview in the General Category.

In brief, the facts are that petitioner had participated in the selection process initiated for filling up 126 posts of Mandi Supervisor-cum-Fee Collector in pursuance to advertisement dated 10.07.2015 issued by the Haryana Staff Selection Commission for which essential qualification prescribed by the respondent-Commission was: Graduation with 55% marks from a recognized University with six months certificate in computer from a recognized Institution. The petitioner secured 140 marks in the written test

and therefore, was entitled to be called for interview as the cut-off was 132 marks. However, at the time of scrutiny of documents, six months certificate in computer produced by the petitioner was found to be issued by an institute, which was not recognized and therefore, his name did not find mention in the list of eligible candidates, who were called for interview. Thereafter, petitioner submitted representation dated 13.08.2018 to respondent No.1 to consider his another diploma in computer issued by RKSD (PG) College, Kaithal but no positive response received thereon. Hence, writ petition.

Learned counsel appearing for the petitioner would argue that the petitioner is a meritorious candidate as he secured 140 marks and the last candidate called for interview secured 132 marks. The candidature of the petitioner has been cancelled only on account of the fact that petitioner obtained six months diploma in computer from Haryana Institute IT & Management Kaithal, Haryana, which is found to be an unrecognized institute. However, petitioner has another diploma certificate in computer issued by RKSD (PG) College, Kaithal, which is a recognized institute and therefore, said certificate ought to have been taken into consideration by the respondents while adjudging the candidature of the petitioner for the post of Mandi Supervisor-cum-Fee Collector.

Per contra, learned counsel appearing for the respondents would argue that the certificate submitted by the petitioner at the time of verification of documents was found to be issued by an unrecognized institute and therefore, the same could not be taken into consideration. As far as the certificate issued by RKSD (PG) College, Kaithal is concerned, reliance has been placed upon Annexure R-1/2 i.e. a communication

received from Principal, RKSD (PG) College, Kaithal wherein it has been stated that the petitioner has done a certificate course in Computer Education from their institute but the marks obtained in theory as well as in practical and total marks as shown in the copy of certificate attached with the writ petition do not match with the college record. Furthermore, the certificate itself does not mention about duration of the computer course; whether it is six months diploma course or not, which is a requisite condition and therefore, candidature of the petitioner has rightly been rejected.

I have heard learned counsel for the parties and have perused the paper book. It is not disputed that the certificate submitted by the petitioner at the time of verification of documents was found to be issued by an unrecognized institute and therefore, could not be taken into consideration. The short question which is to be answered is; whether the certificate attached with the writ petition as Annexure P-1 issued by RKSD (PG) College, Kaithal could be taken into consideration by the respondents or not? A perusal of award list attached with letter dated 25.05.2022 (Annexure R-1/2) would reflect that the petitioner appeared under Roll No.2934 and obtained 45 marks in theory and 40 marks in practical, both out of 100 and in total obtained 85 marks out of total 200 marks whereas copy of certificate attached with the writ petition would show that the petitioner bearing Roll No.2934 secured total 188 marks out of total 200 marks i.e. 92 marks out of 100 in theory and 96 marks out of 100 in practical. Therefore, the veracity/legality of the certificate attached by the petitioner regarding requisite qualification of six months diploma in computer is itself a disputed question of fact, which requires leading of evidence and therefore, cannot be looked into writ jurisdiction. Even the certificate at the first instance does

not mention about duration of course whether it is six months course or not, which is a mandatory requirement that duration of the computer certificate should be six months.

In view of the aforesaid facts and circumstances, this Court does not find any ground to accede to the prayer made by the petitioner in the instant writ petition. Consequently, the instant petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

January 05, 2023
Pankaj*

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