

CWP-19408-2022
DECIDED ON: 31.08.2023

VERSUS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Ms. Dimple Jain, DAG, Haryana.

The petitioner had not been accorded any marks for experience although

he had valid experience certificate for having worked as a Clerk in the Chaudhary Ranbir Singh University, Jind on outsourcing basis. A copy of the certificate issued by University is at Annexure P-19. He relies upon the judgment of this Court passed in CWP-4402-2020 titled as ***Monika versus State of Haryana and others decided on 24.05.2022.***

3. Learned State counsel submits that as the petitioner had been employed through outsourcing, therefore, he was not granted the marks for experience.

4. Heard learned counsel for the respective parties.

5. The petitioner had applied for the post of LDC in response to the advertisement issued on 05.07.2019. The petitioner is stated to have done B.Com. In the general instructions/conditions pertaining to the examination, it has been stipulated that 0.5 marks for each year or part thereof exceeding six months of experience would be granted. Relevant extract of general instructions/conditions is reproduced hereunder:-

“(d) Experience: One-half (=0.5) mark for each year or part thereof exceeding six months of experience, out of a maximum of 10 years, on the same or a higher post in any Department/Board/ Corporation/ Company/Statutory Body/ Commission/ Authority of Government of Haryana. No marks will be awarded for any period less than six months.”

6. The petitioner had furnished experience certificate dated 22.04.2019 (Annexure P-4) wherein it is stated that work of job contract was allocated to him in Chaudhary Ranbir Singh University, Jind. The petitioner was found to be hard working and keen learner and had

worked from 01.07.2017 to 22.04.2019. The petitioner had admittedly worked in the respondent-University from 01.07.2017 to 22.04.2019, which was for a period of over six months and he would be entitled to 0.5 marks. The respondents cannot deny him the said benefit on the ground that he was appointed through outsourcing. The only requirement for the experience is that, it should have been on the same or higher post in any Department/Board/ Corporation/ Company/Statutory Body/ Commission/ Authority of Government of Haryana. It is not in dispute that the respondent-University has been set up under the statute and it is a State University. The last selected candidate in the general category had secured 93 marks and the candidates in the waiting list had secured 92.50 marks, whereas the petitioner secured 92 marks and in case he is given 0.5 marks for experience, he would be getting 92.5 marks. Some posts in the general category are still lying vacant. Therefore, the petitioner could be adjusted without disturbing any selected candidate.

7. Consequently, the petition is allowed. The petitioner would be considered for appointment after affording her 0.5 marks for the experience and If found eligible on other accounts would be offered appointment without disturbing any selected candidates. Needful be done within a period of 02 months from the date of receipt of certified copy of this order.

31.08.2023
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>