

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

221

CWP-22927-2018

Decided on : 14.11.2023

Ram Gobind

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Sahil Nain, Advocate for
Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the claim of the petitioner is that he had competed for the post of Auction Recorder in pursuance to the Advertisement No. 7 of 2015 (Annexure P-1) but, he has been declared ineligible on the ground that his diploma in computer is not from the recognized Institute as recognized by the Government of Haryana.

2. As per the interim order passed by the coordinate Bench, the petitioner was allowed to compete for the post provisionally and keeping in view the order passed by this Court dated 06.10.2021, the petitioner has competed in entire selection process provisionally and as per the provisional result, he has secured more marks than the last selected candidate. Hence, this Court is now to adjudicate upon the eligibility of the petitioner as mentioned in the advertisement dated 10.07.2015 (Annexure P-1)

3. As per the advertisement, 269 posts for the Auction Recorder were re-advertised and the qualification required to be eligible to compete for the post in question are as under:-

“E.Q. i) Graduation with 50% marks from a `recognized University or its equivalent with six months certificate in computer from a recognized Institution;
ii) Hindi/Sanskrit upto Matric Standard or higher education.”

4. A bare perusal of the above would show that a candidate should be a graduate or equivalent with 50% marks from a recognized University and should also have 6 months certificate in computer from a recognized Institution.

5. The petitioner competed with the candidates who applied for the post in question and cleared the written examination but during the scrutiny of the documents, he was declared ineligible on the ground that the diploma in computer which the petitioner has done is from the Red Cross Institute of Computer Sciences, according to the respondents, was not from a recognized institute.

6. The said action of the respondents declaring the petitioner ineligible was challenged before this Court and by an interim order, the petitioner was allowed to compete in the selection process and it is a matter of fact that after competing in the selection process, the petitioner has secured more marks than the last selected candidate in the category in which the petitioner was competing.

7. Learned State counsel submits that the certificate of computer course which the petitioners has attached at Page-36 and 37 is from the Red Cross Institute of Computer Sciences which is not a recognized, hence, the petitioner is ineligible for the post in question.

8. Learned counsel for the petitioner, on the other hand, submits that in the reply the respondents have mentioned the list of recognized institutes for issuance of computer diploma for the post of Mandi Supervisor and Auction Recorder and at Serial No. 8, the diploma of computer from the Red Cross Society is very much recognized institution to grant the same.

9. I have heard learned counsel for the parties and have gone through the record with their able assistance.

10. In the present petition, the only adjudication which this Court is required to do is whether the diploma/computer certificate which the petitioner has attached at Page 36 and 37 is a valid qualification as required under the advertisement Annexure P-1 keeping in view the recognized Institute, details of which have been mentioned by the respondents at Annexure R-2/2. Annexure R-2/2 gives the detail of the recognized Institute to award the computer diploma certificate and it has been mentioned that a diploma/computer certificate awarded by Red Cross Society is a valid one.

11. Keeping in view the said fact, it may be seen that the computer diploma as well as computer certificate obtained by the petitioner is obtained from the Red Cross Society, Rohtak which is clear from the certificate itself. The said diploma is issued by the Red Cross Society, Rohtak is also clear from the said certificate. Learned State counsel submits that the Institute from where the petitioner got the diploma/computer certificate is “Red Cross Institute of Computer Sciences”. In this regard, it may be submitted that the name of the Institute is same as being mentioned in the certificate but in the certificate, it is mentioned that the said Institute is being run by the Red Cross Society, Rohtak

and even the said certificate has been issued by the Secretary of the Red Cross Society, Rohtak. That being so, the claim of the petitioner to be treated eligible is very much covered under Annexure R-2/2. Hence, the action of the respondents in treating the petitioner ineligible to compete for the post of Auction Recorder is arbitrary and illegal and contrary to their own documents.

12. Keeping in view the facts and circumstances mentioned hereinbefore, the present petition is allowed.

13. The petitioner is held eligible to compete for the post of Auction Recorder as advertised by Advertisement (Annexure P-1). As the petitioner has already secured more marks than the last selected candidate, let the petitioner be given an appointment on the post in question with effect from the date, candidate lower in merit has been granted with all consequential benefit such as pay etc.

14. As the reason given by the respondents is totally frivolous and false, the petitioner will be entitled for arrears as well as interest @ 6% keeping in view the judgment of the coordinate Bench in **CWP-15867-2001** titled **J. S. Cheema Vs. State of Haryana** decided on 20.11.2013, relevant para of which is as under:-

“In my opinion, even if the assertion made in the written statement is presumed to be correct it would not disentitle the petitioner for claiming interest. The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”

15. The present petition is disposed of with the aforesaid terms.
16. Let the order be complied within a period of 8 weeks of receipt of
certified copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

14.11.2023
Mehak

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