

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6090-2014 (O&M)

Date of Decision: 04.08.2023

Yogesh Kumar

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Jasdeep Singh Kailey, Advocate
for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. By way of present petition, the petitioner submits that he applied for the post of Assistant Treasurer in the department of Finance and Accounts and obtained 38.75 marks in the written examination conducted for the purpose of selection. Having qualified for the examination, he submitted original educational and experience certificates during the counselling.
2. The respondents have issued a list of candidates finally selected under the general category for recommending for appointment to the post of assistant cashier and those candidates who secured less marks than the petitioner were recommended for appointment, ignoring the claim of the petitioner and therefore he has preferred this Writ Petition before this Court.
3. Learned counsel for the petitioner submits that as per the reply filed by the respondents, the petitioner's certificates of experience have not been counted as worthy for treating his experience as three different experience

certificates submitted by the petitioner were in relation to Child Welfare Council, Punjab; Addl. Deputy Commissioner, office of Sri Muktsar Sahib, Punjab; and Government Adarsh School, Bathinda, whereas in terms of the requirement the certificate should be either of bank or post office of Government department.

4. It is stated by the respondents that the petitioner does not have the knowledge and is unaware regarding the working of handling of cash and stamps.
5. Learned counsel for the petitioner submits that the rejection is unjustified as the experience gained by the petitioner as an accountant was with the Government of Punjab as the Child Welfare Council, Punjab is under the Government of Punjab and is affiliated to Indian Council for Child Welfare; the office of Addl. Deputy Commissioner (Development)-cum-District Programme Coordinator (MGNREGA), Sri Muktsar Sahib was also with the Government; and the office of Government Adarsh School, Bathinda was running by RMSA, Punjab is a Government recognized aided school.
6. Learned counsel submits that the candidates who have been placed in the select list are also those who have not placed any document to show that they have been handling in cash or with stamp, and the relevant certificates of the said candidates have been placed on record in the rejoinder which mentions to be a financial assistant on contract basis with the Punjab State Aids Control Society, Chandigarh so far as one Ritu Sidana is concerned; the certificate of Ranjana Rani is of disposal of official work of dispatch, cash, computer, typing etc. with Board of Ayurvedic and Unani Systems of Medicine, Punjab; Hardeep Mann has submitted a certificate of postal assistant; Rinkal Kumar has also

submitted certificate of being a postal assistant; Krishan Kumar has given a certificate of being a regular employee of Department of Posts; similarly Renu has also given certificate of being regular employee of Department of Posts; and one Kavita Jindal has given experience of distribution of funds under NRHM while working on contract basis and has experience of cash and official stamps. Thus, the petitioner submits that only some of them have given certificates of having handled cash and stamps.

7. Learned counsel appearing for the State has taken this Court to the affidavit filed by respondent Nos.1 and 2 wherein it has been stated that in compliance of the orders passed by this Court on 14.02.2020, the record of the recruitment was perused and it has come to the notice of the Court that the candidates who submitted experience certificates issued by the organizations registered under the Societies Registration Act, 1860 were considered and recommended for the post of assistant cashier because the required experience of cash and handling stamps were mentioned in their certificates, while in all the three experience certificates produced by the petitioner, experience pertaining to handling of cash was mentioned and experience of handling of stamp was not mentioned. It is also stated that the Child Welfare Council, Punjab is a voluntary non-Government organization, however the petitioner's candidature was not cancelled on that count, but solely on the count that his experience certificate does not mention of handling cash and stamps.
8. I have carefully considered the record and the reply filed by the respective respondents. There is one other affidavit of Secretary, Subordinate Services Selection Board, Punjab which mentions about having considered one Naveen Jindal for the post on the basis of his experience certificate

issued by competent authority of Sarv Sikhsha Abhiyan Authority Haryana which mentions his experience of handling cash and stamps.

9. The certificates placed on record by the petitioner and noticed hereinabove of candidates who have been selected reflects that apart from certificate of Ritu Sidana and that of Naveen Jindal, one Kiran Devi was selected who was working with the Haryana Prathmik Shiksha Pariyojna Parishad, Panchkula, registered society which is an autonomous and independent body. The certificate issued to the employees of the department of Posts nowhere mentions about their experience of having handled cash or stamps. Being a postal assistant in the department of posts would not automatically make them having experience of handling stamps and cash, but they were all appointed. While the petitioner who was higher in merit had been left out. The selection process adopted by the respondent/Subordinate Services Selection Board, Punjab is thus found to be tainted.
10. It is also noticed that the petitioner was never conveyed the reasons for not selecting him and it is only from the reply that excuse has been taken of denying the petitioner's selection. The affidavits filed by the concerned officers do not show that fair selection has been done and it is apparent that method of pick and choose and arbitrary selection process had been adopted. Denial of selection to the petitioner therefore is found to be unjustified. The petitioner who has secured higher marks in merit and has also an experience of working as an accounts clerk in a school as well as of having worked as an audit coordinator in the office of the MGNREGA cannot be said to be not having sufficient experience for the purpose of selection.

11. The contention of the deponent/Secretary Subordinate Services Selection Board, Punjab to the affidavit filed before this Court, that the experience required of handling cash as well as handling of stamps is not supported by any supporting document. A person who may have experience of handling cash and accounts, would also be deemed to be having the experience of handling stamps. Once the respondents themselves have selected candidates who were working as postal assistants, denial of selection to the petitioner is found to be unjustified.
12. Accordingly, the Writ Petition is allowed with costs of Rs.10,000/- imposed on respondent No.2/Subordinate Services Selection Board, Punjab to be deposited in High Court Legal Services Committee, Chandigarh.
13. With all consequential benefits, the petitioner shall be directed to be appointed from the date other candidates have been appointed. However, the petitioner shall be notional for the intervening period.

(SANJEEV PRAKASH SHARMA)
JUDGE

August 04, 2023

Mohit goyal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No