

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

CWP-19934-2020 (O&M)
Date of decision : 21.02.2023

Rajbir

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sumeet Jain, Advocate for the petitioner.

Mr. R.K.S.Brar, Additional Advocate General, Haryana.

...

SUVIR SEHGAL, J. (Oral)

Petitioner has approached this Court under Article 226 of the Constitution of India inter alia for issuance of a writ in the nature of certiorari seeking quashing of impugned advertisement dated 16.11.2020, Annexure P-7, for post of Block Asha Coordinator, was re-advertised without declaring and finalizing the recruitment process of the earlier advertisement dated 08.04.2020, Annexure P-1.

Petitioner was an applicant for the post of Block Asha Coordinator pursuant to advertisement, Annexure P-1. Two candidates, including the petitioner were called for interview on 13.04.2003. The grievance is that despite the fact that the petitioner was fully eligible, the result has not been declared and the post has been re-advertised.

Upon notice, respondents have filed a short reply by way of affidavit, extract of which is as under:-

“4. That it would be appropriate here to reproduce the essential qualification as mentioned in the Service Bye-laws, 2018 (applicable to the contractual employees of National Health Mission), which is required for the recruitment for the post of Block Asha Coordinator:-

“Essential qualification/Requirements -

(i) Bachelor degree in arts having option subject of Sociology/Psychology/Rural Development.

(ii) At least 1 year post-qualification experience in community mobilization or related field activities in health sector.

(iii) Hindi/Sanskrit up to matric.

Desirable Qualifications -

(i) Work experience is (sic in) empowerment of health volunteers or in NGO health projects or in involvement of PRIs in developmental programs.

(ii) Sensitivity and experience of working on issues related to community mobilization and coordination in health programs at the grassroots set up.

(iii) Working knowledge of Computer programme and commonly used packages like MS Word, Excel”.

It is quite evident from the perusal of aforesaid

essential and desirable qualifications required for the post in question that a candidate must process Bachelor Degree in Arts having optional subject of Sociology/Psychology/Rural Development and further at least one year post qualification experience in community mobilization or related field activities in health sector. Pertinently, out of the two candidates, who had applied for the post of Block Asha Coordinator, namely, Sunita was not having Sociology as a subject in Graduation and she was holding only PG Diploma in Rural Development. Therefore, she was not even qualified to apply for the said post. Rather, the present petitioner, namely, Rajbir is purportedly trying to demonstrate before the Hon'ble Court that he has been deprived of his legitimate right of consideration despite the fact that he is eligible and well qualified for the post in question. This assertion is highly misconceived since the petitioner does not possess the essential one year post qualification experience in the community mobilization or related field activities in the health sector; therefore, petitioner does not fulfill the requisite qualification for the advertised post. A copy of the application form of petitioner dated 13.04.2020 along with experience certificate dated 18.12.2013 is appended herewith as Annexure R-1 for the kind perusal of this Hon'ble Court. Therefore, the respondents are absolutely justified to scrap the

earlier recruitment process on account of ineligibility of the candidates, who had applied and also the fact that sufficient well qualified candidates had not applied in pursuant to the advertisement. It is always in the exclusive domain of the employer to procure and engage, the most suitable and talented candidates for their organization and if the employer takes a conscious decision to re-advertise the vacancy, then there is no legal impediment in doing so unless there is any malafide on the part of the employer.”

By way of an application (CM-3178-CWP-2023), applicant has sought to place on record two Experience Certificates dated 30.12.2020 and 01.03.2017, as Annexures P-8 and P-9, respectively. It is conceded case of the petitioner that both the certificates were not produced before the recruiting agency. Furthermore, it deserves to be noticed that certificate, Annexure P-8, has been issued on 30.12.2020, much after the last date of submitting the application, pursuant to advertisement, Annexure P-1.

In view of above, there is no merit in the petition, which is hereby dismissed.

Pending application shall stand disposed of.

21.02.2023
Pardeep

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No