

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

**CWP No. 9128 of 2013 (O&M)
Date of Decision: 20.02.2023**

Sardar Khan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gurinder Pal Singh, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. R.S. Kundu, Advocate,
for respondent No.2.

JAISHREE THAKUR, J.

1. The instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to appoint the petitioner as Accountant in pursuance of his selection, vide Advertisement No. 3/2009 dated 28.02.2009, the result of which was declared on 15.02.2011 and the petitioner was declared successful; with a further prayer to set aside the letter dated 13.3.2013, vide which claim for appointment has been rejected.

2. The facts in brief are that the Haryana Staff Selection Commission, vide Advertisement No. 3/2009, advertised 16 posts of Accountant 'C' Grade in Haryana State Cooperative Supply and Marketing Federation Limited (HAFED). One of the requisite conditions for applying the post was that the candidate should be B.Com from a recognized

University, having two years experience in accounts in commercial concerned of repute. Since the petitioner fulfilled all the eligibility conditions, in terms of the advertisement, he applied for the post and Roll No. 00077 was issued to him and thereafter he was called for interview. The result of the selection was published on 15.02.2011 and the petitioner was selected against the post meant for BCB category. Thereafter, the petitioner approached the HAFED to inquire about his appointment. The petitioner was asked to submit his experience certificate, which he submitted, wherein it has been specified that the petitioner had been working from 20.3.2002 to 07.08.2005 as an Accountant. However, when despite furnishing the experience certificate, appointment was not given, the petitioner wrote a letter dated 13.5.2011 (P-3) to the Managing Director, HAFED, who told the petitioner to appear before the Secretary, HAFED on 19.9.2011 for personal hearing. As despite the personal hearing, appointment was not given to the petitioner, he served a legal notice dated 28.01.2013 (P-6), which was replied stating that as per information received from VAT Officer, TIN number allotted to the company, where the petitioner was working, stood cancelled on 29.10.2004 and thus the petitioner submitted an invalid/bogus certificate w.e.f. 20.3.2002 to 7.8.2005. It is submitted that the experience certificate has wrongly been rejected, hence the instant writ petition.

3. Learned counsel for the petitioner would argue that the petitioner had been working with Allam-A-One Automobiles Private Limited from 20.3.2002 till 7.8.2005 and after scrutiny of the documents, he was interviewed and having requisite merit he was recommended for

appointment. It is submitted that even if the experience of the petitioner is counted upto 29.10.2004, as is clear from Annexure P/7, yet he completes more than two years experience in a company of repute and, therefore, there was no question of the experience certificate being invalid or bogus as held by the respondents. He would also rely upon an affidavit of the Director of the Company stating that the petitioner had worked for two years.

4. Per contra, learned counsel for the respondents would submit that the company with which the petitioner had allegedly worked, was registered on 01.05.2003 and its registration was cancelled w.e.f. 29.10.2004. Thus, the petitioner did not have the requisite experience of two year or more in the accounts line and therefore, he was rightly not appointed.

5. I have heard leaned counsel for the parties and have gone through the record.

6. Vide Advertisement No. 3/2009, the Haryana Staff Selection Commission had invited applications for 16 posts of Accountant 'C' Grade in the Haryana State Cooperative Supply and Marketing Federation Limited. The eligibility criteria for appointment to the said post was that the candidate should be B.Com from a recognized University, having two years experience in accounts in commercial concerned of repute. After the selection of the candidates, who had applied for the post of Accountant, the experience certificates provided by them were got verified from the respective employer of the candidates. All the certificates were found in order. However, in the case of the petitioner, it was found that the

experience certificate with effect from 20.3.2002 to 7.8.2005 was issued by Allam A-One Automobile, Delhi. The said certificate was got verified and during verification, it was found that as per Certificate of Incorporation issued by the Registrar of Companies, N.C.T. of Delhi & Haryana, the company was registered on 1.5.2003 and as informed by VAT Officer, vide letter dated 28.7.2011, TIN No. 0720271099 was allotted to the said company with effect from 3.2.2004 and the registration of the firm stand cancelled w.e.f. 29.10.2004. The affidavit dated 3.5.2011 relied upon by the petitioner as furnished of the Director of the Company cannot be relied upon as the company itself was closed in 2004. Apart from that, personal hearing was given to the petitioner and it appears that he was not able to establish the genuineness of the experience certificate furnished by him. Once the petitioner was not fulfilling the criteria required for appointment to the post of Accountant, he was rightly not appointed.

8. Consequently, this writ petition is dismissed.

20.02.2023

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned :	Yes
Whether Reportable :	No