

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.4073 of 2018 (O&M)
Date of Decision.12.01.2023

Anil Kumar ...Petitioner
Vs
State of Haryana and others ...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jasbir Mor, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Shekhran Singh Virk, Advocate
for respondents No.2 and 3.

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JAISHREE THAKUR J. (ORAL)

C.M. No.11170 of 2022

Application is allowed.

Replication is taken on record.

CWP No.4073 of 2018

The instant writ petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing public notices (Annexures P-6 & P-7) issued by respondent No.2 University declaring the petitioner ineligible for the post of Superintendent for its regional centres, with further prayer to issue a writ in the nature of mandamus directing the respondents to consider the petitioner eligible and qualified for the post of Superintendent at different regional centres of the respondent-University.

In brief, the facts are that the petitioner applied for the post of Superintendent against the advertisement issued by Bhagat Phool Singh Mahila Vishvidalaya-respondent No.2 for filling up the posts of non-teaching

posts at its regional centres at Lula Ahir (Rewari) and Kharal, Narwana (Jind). The qualification prescribed for the post of Superintendent was Master's Degree with 50% marks or Bachelor Degree with at least 60% marks and 5 years office experience as Assistant from the University/Colleges/ Educational Institutions/Govt./Semi Govt./PSU/Corporations. The petitioner herein being duly eligible for the post of Superintendent applied for both the Centres by submitting separate applications. Public notices (Annexures P-6 & P-7) were issued by the respondent-University for calling the eligible candidates for interview fixed for 16.02.2018 wherein name of the petitioner has been shown as not eligible due to less experience. Aggrieved against the same, petitioner submitted representations (Annexures P-8 and P-9) requesting for allowing him to participate in the interview, however, the petitioner was orally intimated that he was not eligible to participate in the interview process owing to not fulfilling the requisite experience. Hence, this writ petition.

Learned counsel appearing for the petitioner would submit that the petitioner has done his Master's Degree in M.Com with more than 50% marks and is having almost 10 years experience on the post of Deputy Superintendent in Rajiv Gandhi Mahavidalya, Uchana, District Jind. However, the petitioner was declared ineligible on the ground that the petitioner has not office experience of 5 years as Assistant after he obtained the qualification of M.Com, which is erroneous. There was no such condition in the advertisement that 5 years experience as such, should be after possessing the qualification of Masters Degree.

Per contra, learned counsel appearing on behalf of respondents would submit that the petitioner has been declared rightly ineligible as the

petitioner did not have the requisite experience as prescribed in the advertisement. It is argued that condition No.24 of the advertisement clearly shows that the experience will be considered only after acquiring the essential qualification. Since the petitioner herein obtained the degree of M.Com in the year 2013, he did not have the requisite experience of 5 years till last date of receipt of application i.e. 25.02.2017, which was the date upto which eligibility of the candidates qua qualification, experience and age was to be considered.

I have heard learned counsel for the parties and have perused the pleadings of the case with their assistance.

It is an admitted fact that the petitioner was not having 60% marks in his graduation and therefore, he was entitled to apply for the post in question only on the basis of his M.Com degree, which he obtained in the year 2013 with more than 50% marks. Condition No.10 of the advertisement would reflect that the eligibility of the candidate i.e. qualification, experience and age will be considered upto the last date of receipt of application i.e. on 25.02.2017 and further condition No.24 manifests that the experience will be considered only after acquiring the essential qualification. In the case in hand, essential qualification for the petitioner would be his M.Com degree, which he obtained in the year 2013 and as per general terms and conditions of the advertisement, experience was to be counted only after acquiring the essential qualification and upto the last date receipt of application i.e. 25.02.2017. Admittedly on 25.02.2017, petitioner did not have requisite experience of five years after he obtained his Master's degree and therefore, was rightly held ineligible to participate in the interview process.

In view of the aforesaid facts and circumstances, no ground for interference is made out under writ jurisdiction. Consequently, the instant writ petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

January 12, 2023
Pankaj*

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