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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 21.11.2023

Haryana Staff Selection Commission

....Appellant.

Versus

Suresh Kumar and another

...Respondents.

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Ms. Tanisha Peshawaria, DAG, Haryana
for the appellant.

Mr. Suresh Kumar Kaushik, Advocate
for the respondent-caveator.

DEEPAK SIBAL, J. (Oral)

The instant Intra Court Appeal has been preferred by the Haryana Staff Selection Commission (for short, the Commission) to challenge therein the judgment dated 10.05.2023 passed by a learned Single Judge of this Court allowing respondent No.1's writ petition through which he had challenged his non-inclusion in the list of candidates to be called for interview for the post of Mandi Supervisor-cum-Fee Collector (for short- Mandi Supervisor) with the further prayer to consider his candidature for the said post in accordance with his merit in the Scheduled Caste category under which he had applied.

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2. Through Advertisement No.7 dated 10.07.2015, the commission invited applications for appointment to several posts including 126 posts of Mandi Supervisors. Out of the 126 advertised posts 20 posts were reserved to be filled up from members of the Scheduled Caste category. Respondent No.1 applied under the Scheduled Caste category and being eligible was permitted to appear in the written examination which he successfully cleared. Thereafter, respondent No.1's name did not figure in the list of candidates who were to be called for interview. It is in these circumstances that he knocked the doors of this Court through a writ petition through which he sought consideration of his candidature in terms of his merit against the advertised posts of Mandi Supervisors under the Scheduled Caste category.

3. On being put to notice of respondent No.1's petition, the Commission sought to justify respondent No.1's exclusion from the list of candidates to be interviewed. According to the Commission, one of the eligibility conditions stipulated in the advertisement was that a candidate should have successfully undergone a 6 month course in computers from a recognized institution which respondent No.1 had not undergone and that respondent No.1 had also not passed a computer course with minimum 280 hours of training.

4. A learned Single Judge of this Court delved into the afore dispute and through the impugned judgment concluded that respondent No.1 had produced a certificate through which it was certified that he had successfully completed a one year course in Computer Concepts, MS Office, Networking, Internet & C Programming conducted at the

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Government Post Graduate College, Hisar and that there being no requirement under the advertisement in question of having a minimum of 280 hours of training in the computer programme, respondent No.1 was fully eligible for consideration of his candidature for the post in question.

5. Under the interim orders passed by the learned Single Judge, respondent No.1 had been provisionally interviewed. His final results, which were produced in Court, revealed that he had secured more marks than the last candidate selected under the Scheduled Caste category. Therefore, the learned Single Judge, while allowing respondent No.1's petition, directed the appellant Commission to recommend respondent No.1's name for appointment as a Mandi Supervisor and if he was found otherwise eligible, directions were also issued to the State to appoint respondent No.1. On such appointment respondent No.1 were further held entitled to all notional benefits.

6. Learned counsel appearing for the appellant submitted that the certificate produced by respondent No.1 could not be considered to be a certificate in computer training as it was only a proficiency certificate; the Commission in its meeting held on 07.09.2018 had decided on a list of institutes which were to be recognized for computer training for the posts in question; the institute from where respondent No.1 had produced his certificate did not fall in the afore list and that respondent No.1's certificate which has been given by Tata Infotech was also liable to be discarded in the light of the law laid down by the Supreme Court in its judgment dated 26.03.2012 passed in Special Leave to Appeal (Civil) No.640 of 2011-

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7. Learned counsel for the appellant has been heard and with her able assistance we have also gone through the records of the case.

8. The prescribed qualifications for the 126 posts of Mandi Supervisors as advertised by the Commission through advertisement No.7 dated 10.07.2015 read as under:-

*“i) Graduation with 55% marks from a recognized University with six months certificate in computer from a recognized Institution; and
ii) Hindi/Sanskrit upto Matric Standard or higher education.”*

9. Thus, to be eligible to be considered for the post of Mandi Supervisor, a candidate was required to be a graduate with 55% marks from a recognized University with a six months certificate in computers from a recognized institution as also should have studied Hindi/Sanskrit up to at least the Matric standard.

10. It is not disputed that respondent No.1 is a graduate with 55% marks from a recognized University and has also studied Hindi up to the Matric standard. The only issue which requires to be determined is as to whether the certificate of computer training produced by respondent No.1 would render him eligible or otherwise.

11. A perusal of the certificate of computer training produced by respondent No.1, the genuineness of which has not even been questioned by the appellant, certifies that respondent No.1 has successfully completed a one year course in computers from the Government Post Graduate College, Hisar conducted jointly by the State of Haryana and Tata Infotech Education.

12. Thus, against the required six months course in computers

respondent No.1 is certified to have successfully undergone computer training for a period of one year.

13. The certificate further reveals that the course in computer training undertaken by respondent No.1 is from a Government College and that the same was jointly conducted by the State of Haryana and Tata Infotech Education. The certificate has also been counter signed by the Principal of the Government Post Graduate College, Hisar. Therefore, at least the State of Haryana or the Haryana Staff Selection Commission cannot discard the said certificate on the ground that the course was not from a recognized institute.

14. The list of the “recognized” institutes mentioned in the meeting of the Commission held on 07.09.2018 was not given in the advertisement and therefore cannot be pressed into service by the appellant especially when as per the advertisement in question the last date for receipt of applications was 23.11.2015 and by 07.09.2018 virtually the entire selection process was over.

15. Similarly, the requirement of the computer course to be of at least 280 hours duration also cannot be imposed by the appellant as no such requirement finds mention in the advertisement and cannot be allowed to be introduced for the first time by the Commission virtually at the end of the entire selection process.

16. **Karam Singh's** case (supra) also does not support the appellant's case as in that case training in Computer Education had been taken from Webs Computer Education, Uklana Mandi, Hisar which institute was not recognized by the State. The course undertaken in that case also had

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not specifically been declared to be equivalent to a one year diploma in computers which in that case was one of the prescribed essential qualifications.

17. In the light of the afore discussion, we find no merit in the instant Intra Court Appeal. Resultantly, the same is hereby dismissed.

18. All pending applications, if any, also stand disposed of accordingly.

(DEEPAK SIBAL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

21.11.2023

Komal

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