



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.247

CWP-5232-2023

Date of Decision: 05.08.2024

Renu Rani

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Lalit Rishi, Advocate for the petitioner.

Mr. Parveen Mehta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking a writ of *certiorari* quashing the third respondent/Commission's decision to consider the petitioner ineligible on account of "experience clash with B.A. degree"; and a writ of *mandamus* directing the Commission to declare the petitioner's result by considering her eligible for the post, and recommend her for appointment on the basis of merit.

2. Facts of the case in brief are as under:

2.1. The third respondent/Commission issued advertisement no.12 of 2019, dated 20.07.2019, Annexure P-1, inviting applications for various posts in the Department of Skill Development and Industrial Training, including one hundred twelve posts of Storekeeper, category 18, of which nineteen were reserved for BCA category candidates. The petitioner belongs to the BCA category, and possesses the requisite qualifications for the advertised post as well. She passed Bachelor of Arts (B.A.) from Maharshi



Dayanand University, Rohtak (MDU); sixth semester examination for the degree was held in May 2017. After clearing the same, she was issued a Detailed Marks Card (DMC), dated 27.06.2017, Annexure P-9. Since her name in the DMC was mentioned as Renu Bala, daughter of Rajender Singh and Santosh, she applied for correction of DMC and recording her correct name, Renu Rani. After correction, the University issued another DMC for sixth semester examination held in May 2017, dated 03.04.2019, Annexure P-2. Apart from B.A. degree, the petitioner had the requisite experience also, as she worked in M.D.S. Private ITI, Siwani, Bhiwani (Haryana), as Store Keeper from 01.07.2017 to 19.08.2019; a certificate to that effect, dated 19.08.2019, is appended to the petition as Annexure P-3.

2.2. Being fully qualified, she applied for the post of Storekeeper in response to the advertisement by submitting an application form, dated 09.11.2019, Annexure P-4. In the relevant column of 'Qualifying Examination', she mentioned the date of her graduation degree marksheet as 03.04.2019. The experience certificate for handling engineering store, dated 19.08.2019, was also uploaded with the form.

2.3. The petitioner participated in the selection process, and cleared the written examination held on 20.02.2020. She was, accordingly, shortlisted for online scrutiny of documents to ascertain eligibility, vide public notice dated 08.02.2022, Annexure P-6. In terms of this notice, the only mode of submitting the documents was by uploading on the Commission's website. The relevant portion of the Note to that effect reads as under:

Note:- 1. The candidates are not required to physically appear/present in office of Commission with documents as the scrutiny will be carried out online only and no documents will be taken through offline mode/manually. Candidates can fill



scrutiny form and upload documents through website of Commission from 12.02.2022 to 20.02.2022.

2. The candidates are also advised to upload documents online from 12.02.2022 to 20.02.2022 after which link shall be disabled.

2.4. The petitioner duly participated in the online scrutiny of documents and submitted the requisite certificates, including the DMC dated 03.04.2019, as well as experience certificate dated 19.08.2019; its print out has been appended to the petition as Annexure P-7.

2.5. Thereafter, the Commission uploaded 'Detail of Candidates' on its website on 01.01.2023, Annexure P-8, wherein the petitioner was declared not eligible on account of "experience clash with B.A. degree". Final result of selection was announced on 31.01.2023, Annexure P-10, which showed the cut-off marks for BCA category were fifty-eight.

2.6. The petitioner's representation to the Commission for considering her eligible, dated 08.02.2023, Annexure P-11, did not get any response. She sought information under the Right to Information Act, 2005, and was informed by the Commission vide letter dated 28.02.2023, Annexure P-12, that she had secured fifty-nine marks in written examination, but was not be considered for further recruitment process being ineligible. It was because her experience was considered to have been gained before acquiring the degree, and not valid. She, therefore, approached this Court by filing the instant petition; and vide interim order, dated 15.03.2023, one post of BCA category was ordered to be kept vacant.

3. In this background, learned counsel for the petitioner contends that the petitioner's candidature has been wrongly rejected on account of alleged overlapping between her experience and B.A. degree, which is factually incorrect. The petitioner acquired B.A. degree by clearing the sixth semester examination on 27.06.2017, as is apparent from DMC, and gained



experience only thereafter with effect from 01.07.2017. She had to upload the DMC, dated 03.04.2019, wherein her name was correctly mentioned, while filling up the application form and also for the scrutiny of documents. The candidature was rejected for no fault of hers, without even affording any opportunity of hearing to explain that the degree was acquired by her in June 2017 itself, and the DMC dated 03.04.2019 was a duplicate/corrected one issued by the University later for the same examination. She is more meritorious than the last selected candidate in her category, and is entitled to be appointed on merit.

4. Learned State counsel, on the contrary, contends that the Commission was required to consider only those documents which were uploaded by the candidates, as required under condition 3.2 of the advertisement itself. Since the petitioner uploaded her DMC, dated 03.04.2019, which established there was clear overlapping between her degree and duration of experience, the Commission had no option but to declare her ineligible on that account. He, however, does not dispute that she secured fifty-nine marks in the selection which are more than those of the last selected candidate in her category.

5. Heard.

6. It is apparent on record that the petitioner cleared sixth semester B.A. examination held in May 2017, and was issued DMC dated 27.06.2017 with an incorrect name, Renu Bala. She had to get the DMC corrected, which was done by the University by issuing a fresh/corrected sixth semester DMC, dated 03.04.2019, by mentioning her name as Renu Rani. While submitting the application form, she was required to give details of the qualifying examination, which she did by mentioning that she passed B.A. degree from MDU, and DMC dated 03.04.2019 was issued to her. The same certificate was uploaded by her during online scrutiny of documents as well.



She had no occasion to give details of her earlier DMC, dated 27.06.2017, which was issued with an incorrect name. Also, she could not have explained the fact to the Commission during scrutiny of documents, since it was conducted online requiring her only to upload the documents, including the DMC dated 03.04.2019. Had an opportunity of hearing been given to the petitioner before declaring her ineligible, the fact could have been explained that DMC, dated 03.04.2019, was a duplicate one issued after correcting her name in it, and there was no overlapping/clash with the work experience; as she had actually completed B.A. in June 2017 and gained experience thereafter, from 01.07.2017 onwards.

7. The petitioner, in fact, was placed in a Catch-22 situation. Had she uploaded her original DMC dated 27.06.2017, her candidature would have been rejected on account of mismatch of name, as she was mentioned therein as Renu Bala, instead of Renu Rani. Accordingly, she had to submit the DMC, dated 03.04.2019, issued by the University with her correct name, still her candidature got rejected on account of alleged overlapping between the degree and the experience gained with effect from 01.07.2017. Either way, the petitioner remained a loser for no fault of hers. She has been faced with mutually conflicting conditions/situations which is unreasonable and unfair; no candidate can be driven to the wall in this manner, invalidating the person's candidature. The situation has been compounded by the Commission's failure to afford any opportunity of hearing to the petitioner before rejecting her candidature on account of ineligibility. This renders the decision illegal, and unsustainable.

8. It is a conceded position on record that the petitioner is more meritorious than the last selected candidate, as she secured fifty-nine marks as against fifty-eight by the latter. Besides, one post is also vacant in terms



9. In view of the discussion, the petition is allowed, directing the third respondent/Commission to consider the petitioner eligible for the post of Storekeeper in BCA category, on having cleared B.A. on 27.06.2017, and recommend her for appointment, accordingly, as per merit. The second respondent/Director, Department of Skill Development and Industrial Training, shall offer appointment to her against the vacant post of BCA category with effect from the date other candidates pursuant to the selection in question were appointed. She, however, shall be entitled to the notional benefits from the date of appointment and actual benefits from the date of joining the service. These directions shall be carried out within four weeks of receiving a certified copy of this order. In the facts of the case, there shall be no order as to costs.

(TRIBHUVAN DAHIYA)
JUDGE

05.08.2024
Maninder

Whether speaking/reasoned : Yes
Whether reportable : Yes