

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

CWP-9369-2020 (O&M)
Date of decision: 31.07.2024

Sheetal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Deepak Jindal, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

AMAN CHAUDHARY, J.

1. Being aggrieved with his non-consideration under the DESM-BCB category, despite having the requisite certificates, the petitioner is before this Court.

2. In pursuance of advertisement dated 15.06.2019, Annexure P-1, the petitioner being an aspirant for the post of Junior Engineer (Civil), applied under the category of ESM-BCB, regarding which the eligibility certificate issued on 28.03.2018 by Zila Sainik Board, with an endorsement of it having been renewed till 27.03.2020, was produced during scrutiny of documents, however, still he was declared to be 'not eligible' on the ground that the same was not valid.

3. As is apparent from a perusal of the certificate, Annexure P-3, issued on 28.03.2018 and valid upto 27.03.2019, the endorsement thereafter entered on it showed it having been renewed till 28.03.2020, substantiated from letter dated 29.04.2021, Annexure P-10, received by the petitioner under RTI, alongwith the copy of registers on basis whereof the information was provided, the relevant portion of which reads thus:

“1. Kindly refer to your application dated 28 Apr 2021 received in this office on 28 Apr 2021 on the subject noted above.

2. Required information is furnished as under:-

(a) Register Entry of Eligibility Certificate Serial No 06/2018 dated 28/03/2018 duly attested in favour of Mr Sheetal Saini S/o No. 6922963N Ex Hav Gurpal Singh resident of Vill Kainthal Khurd, PO- Barwa, Tehsil Thanesar, District- Kurukshetra (Haryana).

(b) Renewal of Eligibility Certificate in favour of Mr Sheetal Saini S/o No. 6922963N Ex Hav Gurpal Singh vide Ser No- 46/2019 dated 27 Mar 2019 from 28/03/2019 to 27/03/2020 duly attested.

(c) Renewal of Eligibility Certificate in favour of Mr Sheetal Saini S/o No. 6922963N Ex Hav Gurpal Singh vide Ser No- 15/2020 dated 15 May 2020 from 28/03/2020 to 27/03/2021 duly attested.

(d) Renewal of Eligibility Certificate in favour of Mr Sheetal Saini S/o No. 6922963N Ex Hav Gurpal Singh vide Ser No- 23/2021 dated 30 Mar 2021 from 28/03/2021 to 27/03/2022 duly attested.”

4. The mentioning of one year and then renewal from 2018 to 2020, on the certificate but obviously included the year in between, by which it was meant to be valid throughout. The manner in which the competent authority chose to incorporate the renewal details thereon being not in control of an applicant- herein the petitioner, he at the receiving end could not be ousted of the consideration on that account. The approach of the respondents is thus, not only hyper-technical, but lopsided.

5. In the peculiar facts of the present case, as enumerated hereinabove, the Commission ought to have granted an opportunity, may be not in all, but at the least, to the petitioner to clarify after obtaining requisite information from the Zila Sainik Board, which is reproduced in para 3 above.

6. Since, the certificate expired on 27.03.2019, subsequently renewed from 28.03.2019 to 27.03.2020, was valid at the time of the cut off date which though initially was 04.07.2019 was later extended to 10.08.2019 and the written statement reveals the petitioner having secured 47 marks, while the cut off for ESM-BCB and DESM in ESM (Gen) category, were 23 and 37, respectively in the result, Annexure P-6, it would be in the interest of

justice to direct the respondents to consider the petitioner for appointment, in terms of his merit position, *albeit*, subject to any further verification, if need be. Compliance be made within a period of two months from when a certified copy of this judgment is received by the respondents.

7. The present petition stands disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

31.07.2024
Hemant

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