

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

(107)

CWP-10054-2024

Date of Decision : May 03, 2024

**Manoj Bhanukar****.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Sonia, Advocate, for  
Mr. Keshav Gupta, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the orders dated 10.01.2024 (Annexure P-1) and 28.02.2024 (Annexure P-2) by which, the petitioner has been declared ineligible to compete for the post of Deputy Director of Agriculture and Equivalent, as advertised vide Advertisement No. 13 of 2023 dated 18.02.2023 (Annexure P-3).

2. Learned counsel for the petitioner argues that the petitioner competed for the post of Deputy Director of Agriculture and Equivalent but he has been declared ineligible on the ground that the experience gained as Vegetable Specialist in Horticulture Department from 18.11.2020 to 03.03.2023 and as a Junior Engineer Horticulture from 01.06.2017 to 17.11.2020 is not valid as per the terms and conditions of advertisement hence, the petitioner cannot be considered eligible for the post in question.

3. Learned counsel for the petitioner submits that as per the advertisement in question, the qualification to be eligible for the post in question were that a candidate should have B.Sc (Hons) and 2<sup>nd</sup> Class M.Sc in agriculture from a recognized University and five years practical experience in Agriculture Research or Extension or both after acquiring the minimum basic qualification hence, the experience of the petitioner as a Vegetable Specialist or a Junior Engineer Horticulture is a valid experience.

4. Notice of motion.

5. Mr. Harish Nain, Assistant Advocate General, Haryana, accepts notice on behalf of the respondents.

6. Learned counsel for the respondents submits that as per the advertisement, the experience required should be in field of Agriculture Research or Extension or both whereas, the experience of the petitioner is only as Vegetable Specialist in the Horticulture Department and as Junior Engineer in Horticulture, which does not qualify keeping in view the required experience in Research and Extension.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. It is a settled principle of law that prescribing of a qualification is within the domain of an employer. In the present case, particular qualification along with experience required in a particular field have been advertised. The petitioner claims that the experience which the petitioner has gained is in the field of Research or Extension whereas the same is being denied by the respondents. Nothing has been brought to the notice of this Court as to how, while working as a Vegetable Specialist or Junior Engineer, the petitioner can be treated to have experience in “Research or Extension”.

9. Further, it is the employer who is to see whether a particular experience gained by a candidate is relevant or is covered under the qualification as advertised, the Court does not have jurisdiction to ascertain the same. Further, the opinion of the Department, which is to provide job from the petitioner, so as to opine whether the petitioner is eligible or not, cannot be superseded or modified by this Court.
10. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.
11. Dismissed.

May 03, 2024  
harsha

(HARSIMRAN SINGH SETHI)  
JUDGE

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