



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

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CWP-17051-2022 (O&M)

Date of decision: 12.09.2024

Karambir

...Petitioner

Versus

Haryana Staff Selection Commission and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. RK Malik, Sr. Advocate with
Mr. Samrat Malik and Mr. Ankur Sheoran, Advocates
for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

AMAN CHAUDHARY, J. (Oral)

1. The prayer made is for grant of 7 ½ marks for experience and accordingly appoint the petitioner to the post of Clerk against advertisement No.5/2019, from the date, candidates lower in merit to him, have been appointed.
2. The petitioner, applied under the category of ex-servicemen and had obtained 49 marks in the written examination, however, was not granted 7.5 marks towards experience (0.5 for each year), which would have taken his total to 56.5, he having to his credit 15 years, 4 months and 9 days of service in the Armed Forces, whereas the last selected candidate in the same category secured 51.
3. He previously filed CWP-14935-2020 for the same relief, which was disposed of in view of the fact that the Court, in the case of Amit Kumar, relating to the same selection, had quashed the result with a direction to carry out re-evaluation of all candidates, across board, conduct scrutiny of documents afresh and thereby prepare de-novo merit list. A liberty however



was granted to him, to file a fresh petition in case his grievance remains unmitigated in the second round of selection.

4. Despite the Instructions dated 27.08.1998 and 16.02.1999 issued by the Chief Secretary, being unequivocal that the period of service rendered by combatant clerk in Armed Forces was to be treated as service as clerk in the civil post, the petitioner, has still not been granted the marks for experience, constraining him to knock the doors of this Court once again. The reason now to eclipse his claim is the certificate to substantiate the same, having been submitted by him during the fresh scrutiny on 31.05.2022, being of 21.12.2019, while the cut off date was 13.08.2019.

5. Undeniably, the petitioner had, alongwith the application form, submitted the certificate dated 30.04.2019 issued by the Indian Armed Forces (Army), Annexure P-1, depicting therein his experience of 15 years, 4 months and 9 days equal to the civil trade, that could be used for employment purposes for all States and Central Government Departments, while the one dated 21.12.2019 reiterated the above, with a mere addition of the period of engagement to be from 22.12.2003 to 30.04.2019. Evidently, both of these were issued by the same office namely, Senior Records Officer for OIC Records Delhi Cantt. The latter has wrongly been made the premise for not selecting him, whereas Hon'ble the Supreme Court in **Dolly Chhanda vs. Chairman, JEE¹**, had even permitted a fresh certificate issued rectifying an inadvertent mistake in the one issued prior thereto, substantiating that the father of the appellant was a disabled personnel of the armed/paramilitary forces, by observing that no rigid principle pertaining to the domain of procedure can be applied when it only comes to submission of proof.



6. It most certainly is not a case wherein the years of experience had undergone a change between the former and latter certificate, or that any of it had been acquired post the cut-off date, had that been so, perhaps the respondents could have some ostensible reason to counter his claim.

7. Notably, while issuing notice of motion on 04.08.2022, this Court had directed one post in the category in which the petitioner had applied, to be kept vacant.

8. On the anvil of the aforesaid, the respondents are directed to re-determine the merit position of the petitioner by including the marks of experience and appoint him under ESM category, from the date a candidate lower in merit was given appointment. He shall however be entitled to only notional benefits. Needful be done within a month.

9. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

12.09.2024

ashok

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