

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

BALWANT SINGHPetitioner

VERSUS

STATE OF PUNJAB AND ANOTHERRespondent(s)

Present: Mr. Hari Om Sharma, Advocate for the petitioner.
Mr. Satnampreet Singh Chauhan, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

SAPNA GOYAL
2024.11.26 10:27
I attest to the accuracy and
integrity of this document

The grievance being raised by the petitioner is that the petitioner has wrongly been ousted from the zone of consideration despite being eligible as per the Advertisement in question. In order to support his eligibility, the petitioner is relying upon the eligibility granted to Jagjit Singh, Pardeep Singh and Dwarika, who were also working on a Clerical job instead in any Manufacturing Unit of Government or a Public Sector Undertaking undertaking Manufacturing Process.

Upon notice of motion, the respondents have filed their reply wherein the claim of eligibility at the hands of the petitioner has been contested. As per the respondents, the requisite qualification to be eligible was prescribed in the Advertisement which is in consonance with the Rules governing the service and the petitioner who was working on the post of Draftsmen in an Engineering College, cannot claim that he had an experience of working in a Workshop or a Manufacturing Unit of Government or a Public Sector Undertaking for a period of two years hence, the petitioner has rightly been ousted from the competition.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

The claim of the petitioner that he is eligible is to be seen keeping in view the qualifications prescribed in the Advertisement (Annexure P-9). The relevant qualifications are as under:-

"ESSENTIAL QUALIFICATIONS:

(1) Should possess a degree in civil or Mechanical or Chemical or Electrical or Production or Industrial or Metallurgical or Electronics and Communication or Electronics and Instrumentation Engineering from a recognized university or Institution; and

(i) Should have an experience working in a workshop or manufacturing concern of a Government or public sector undertaking, in manufacturing process for a minimum period of two years.

(iii) Punjabi of Matric or its equivalent Standard.

Qualification of Punjabi is essential for these posts (relaxable for Sikh Migrants upto the extent that they will have to acquire such qualification within two years after joining the service failing which their services shall liable to be terminated). For this purpose a Matriculation or its equivalent certificate for having passed Punjabi will be necessary."

The bare perusal of the above would show that a candidate who intended to compete for the post in question should have an experience of a Workshop or a Manufacturing Unit of Government of Punjab or a Public Sector Undertaking in relation to a manufacturing process for a minimum period of two years.

Learned counsel for the petitioner conceded before this Court that the petitioner has not worked in any Workshops or a Manufacturing Unit or a Public Sector Undertaking and had performed the duties relating to Manufacturing process for a period of two years. The petitioner only worked as a Draftsman with the Educational Institute.

That being so, the claim of the petitioner to be eligible to compete for the post in question has rightly been rejected by the respondents.

The argument of the learned counsel for the petitioner that the petitioner had worked in a Lab of the Educational Institution, which qualified as the word "**Workshop**" cannot be accepted as, a bare reading of the Clause shows that the petitioner should have worked in a Workshop or a Manufacturing Unit relating to a manufacturing process, which Manufacturing Process is missing in a Lab relating to an Educational Institution hence, the claim of the petitioner that he is eligible is liable to be rejected.

Learned counsel for the petitioner has raised an argument that the candidates who are similarly situated and did not have any experience in a Workshop or a Manufacturing Unit relating to a manufacturing process have been treated eligible and the petitioner is being discriminated hence, the petitioner should also been considered eligible as consideration to other similarly situated candidates have been given by the respondents.

It may be noticed that in case, the respondents have considered an ineligible candidate as eligible, the same will not give a right to another ineligible candidate to claim consideration. Only a candidate who is eligible under the Advertisement can claim a right of consideration. The Court cannot direct that in case, two ineligible have been granted consideration, the rest of the ineligible candidates get a right for consideration. The claim of the eligibility is to be decided as per the Advertisement and as per the Eligibility Clause given therein and concededly, the petitioner does not fulfil the eligibility criteria envisaged in the Advertisement issued by the respondents.

Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstance of the present petition.

Hence, the present petition stands dismissed.

Pending application, if any, also stands disposed of.

21-11-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO