

227 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-27118-2019 (O&M)
Date of Decision:15.02.2024

Vikas Dang

.....Petitioner

versus

Haryana Staff Selection Commission and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Anurag Goyal, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order vide Annexure P-14 dated 12.04.2019 and Annexure P-15 dated 03.04.2019 declaring the petitioner as ineligible for the post of Upper Division Clerk.

2. The brief facts of the present case are that the petitioner had applied for the post of Upper Division Clerk vide Advertisement No.3/2016 (Annexure P-1) and thereafter he was called for the scrutiny of documents and after the completion of scrutiny of documents, he was called for the interview but he was not selected on the ground that he was ineligible.

3. Learned counsel for the petitioner submitted that the petitioner had filed an application before the State Information Commission, Panchkula for getting information but no clear cut answer was received. He further submitted that in the reply that has been filed by the respondent-

Commission it has been so stated that the petitioner did not attach the relevant experience certificate and therefore he was not eligible for the aforesaid post. He further submitted that as per the advertisement one of the requirement was “O Level course or above of computer for a minimum period of one year from NIELIT(DOEACC) or HARTRON” which is so contained in the educational qualification of Category-II and the same has been stated at page No.13 of the paper-book and petitioner was having the aforesaid qualification regarding which the certificate has been attached alongwith the present petition at Annexure P-18 and once at the time of scrutiny of documents, his entire documents were scrutinized and he was called for the interview and as such there was no occasion for the respondent-Commission to have rendered the petitioner as ineligible and therefore a writ may be issued to respondents to now consider the name of the petitioner after considering him to be eligible.

4. On the other hand, learned State counsel for respondent-Commission, while referring to the reply filed by the respondent-Commission, submitted that it is a case where the petitioner had filled up the application form but did not attach the aforesaid experience certificate (Annexure P-18) and at the time when he was called for scrutiny of documents he had supplied two other certificates which have been so mentioned in para No.7 of the reply and those certificates did not match with the educational qualification of the petitioner because the aforesaid two certificates which he had produced were pertaining to Accounting Package Tally issued by Satyam Computer Center and Master of Business Administration issued by ICFAI University, Dehradun, whereas the

requisite qualification required was Computer Diploma Certificate. He further referred to para No.8 of the reply to state that, however, inadvertently the petitioner was short-listed for interview but at the time when the final selection was to be made and petitioner was to be interviewed then this mistake was detected and before declaring the final result, it came to the notice of respondent-Commission that there is the difference in the essential qualifications required for the post of UDC and LDC and the petitioner did not fulfil the aforesaid qualifications because there was no certificate on record, therefore he was rendered ineligible. He further submitted that there is no illegality committed by the respondent-Commission and the inadvertent mistake which was rather detected before declaring the final result and the petitioner was declared to be ineligible and therefore the petitioner has no legal right in the present petition.

5. I have heard the learned counsel for the parties.

6. The short point involved in the present case is as to whether the petitioner was wrongly declared to be ineligible or not. The petitioner was holding the qualification vide Annexure P-18. Whether the aforesaid document was attached along-with the application form or not, the same was not so authenticated by learned counsel for the petitioner despite being repeatedly asked at the time of arguments. Therefore, it can be inferred that the aforesaid document was not attached along-with the application form. Still at the time of scrutiny of documents, as per the reply filed by the respondent-Commission some other certificates were submitted which were not in consonance with educational qualification which was required for the post of UDC and inadvertently the petitioner was called for interview and

after detecting the mistake he was, therefore declared as ineligible.

7. In view of the aforesaid factual position, the present writ petition is devoid of any merit and therefore the same is dismissed.

(JASGURPREET SINGH PURI)
JUDGE

15.02.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No