

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27427-2019 (O&M)
Date of Decision: 19.04.2024

JYOTI

...Petitioner

Vs.

PT. B.D. SHARMA UNIVERSITY OF HEALTH SCIENCE,
ROHTAK AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Varun Veer Chauhan, Advocate for the petitioner.

Mr. Harmanjot Singh Gill, Advocate
for the respondent/University.

Mr. Nilesh Bhardwaj, Advocate for respondent No.5.

TRIBHUVAN DAHIYA, J. (Oral)

The present petition has been filed *inter alia* seeking a direction to consider the petitioner for appointment as Section Officer from the date private respondents have been offered appointments as such.

2. Facts in brief relevant for adjudication of the issue at hand are, respondent/University advertised various posts, including three posts of Section Officers in general category, vide advertisement No. UHSR/Rectt/07/2018, Annexure P-1. The petitioner considered herself eligible and applied for the same. The relevant essential qualification required for the post was as under:

9. Bachelor Degree in Commerce (B.Com.) with 60% marks (1st Division) from recognised University having 3 years' experience in an organisation of repute.

The criteria for selection was prescribed in terms of government notification

dated 13.12.2017, which is as follows:

d. (i) In case of selection and recommendation of the names of candidates to a department or an office for Group C posts, there shall be written exam only. The practice of interview shall be discontinued.

The scheme of marks in respect of selection to Group C posts shall comprise of total 100 marks, which is detailed below:-

1. Written exam: 90 marks

2. Socio-Economic criteria and experience: 10marks

The marks for experience and some objective socio-economic criteria are to be allocated as follows:-

(a) to (c) xxx xxx xxx

(d) Experience: One-half (=0.5) mark for each year or part thereof exceeding six months of experience, out of a maximum of 10 years, on the same or a higher post in any Department Board/ Corporation/ Company/Statutory Body/Commission/Authority of Government of Haryana. No marks will be awarded for any period less than six months.

(a maximum of 5 marks)

2.1 As per the merit list, Annexure P-4, the petitioner cleared written examination and scored 57 marks. He was allotted 10 marks under socio-economic criteria; 05 each for being orphan and no family member being in government service. Accordingly, in total he scored 57+05+ 05 =67. All the private respondents scored lesser marks between 52-57, still they were selected ignoring the petitioner, who was considered ineligible for want of requisite three years experience.

2.2 The petitioner claimed to have gained the experience by working in a firm, namely, 'MSNS & Co. Chartered Accountants'. A

certificate issued by this firm, Annexure P-6, mentions itself as a partnership firm registered under the Chartered Accountants Act, 1949; a reputed professional organisation running in profits for the last fourteen years, and having expertise in services relating to auditing, accounting and taxation.

2.3 As per the written statement filed by the University, ten candidates were short-listed and called for verification of documents by the scrutiny committee on 30.08.2019. The originals of experience certificates issued to the candidates were also scrutinised by the committee. Since the petitioner was not having any experience from a Limited or Private Limited Company or from a Government Organisation, she was held ineligible for the post.

2.4 In the factual background, the issue to be decided is, '*whether the petitioner possessed three years' experience in an organisation of repute as per the essential qualification/ requirement.*'

3. Learned senior counsel representing the petitioner has contended that the petitioner was wrongly declared ineligible, though her experience was from an organisation of repute as established by the certificates issued by MSNS & Co. As per the advertisement, only requirement for the candidates was to have three years' experience in such an organisation, which the petitioner possessed. She was wrongly declared ineligible for not having any experience from a Limited or Private Limited Company or a Government organisation, which was not the requirement. Accordingly, she being No.1 in the order of merit, could not have been refused appointment or declared ineligible on such a ground.

4. Learned counsel for the respondent, on the contrary, points out that the petitioner has rightly been declared ineligible as her experience was not in any Department, Board, Corporation, Company or statutory body, etc. as required in terms of the criteria. She has claimed eligibility on the basis of experience gained in a private firm of Chartered Accountants, which does not make her eligible as per the requirements, therefore, her candidature was rightly rejected by the scrutiny committee. It is further pointed out that in the experience certificate submitted by the petitioner she wrongly mentioned her experience as the one gained by working in a company. In fact, she has never worked in a company and was, accordingly, not eligible for the post.

5. Submissions made by learned counsel for the parties have been considered.

6. As per undisputed facts on record, the requisite qualification for the post of Section Officer was, three years experience in an organisation of repute. And the criteria, in terms of notification dated 13.12.2017, required the candidates to gain such experience in a Department, Board, Corporation, Company, Statutory Body, Commission, any authority of Government of Haryana, etc. The proforma of experience, appended to the advertisement, also required the candidates to indicate the experience gained in a Statutory Body, Authority, Company, Corporation, etc. as per the criteria. The petitioner wrongly claimed her three years experience as the one gained in a company while submitting the experience certificate along with the application form. On scrutiny of documents, the committee found the experience to have been gained in a partnership firm

of Chartered Accountants, and not a company. This is a fact established by the certificates, Annexure P-6, issued by the firm itself. Therefore, there is no escape from concluding that the candidates were required to gain experience either in a Company or Board or Corporation or Department, which the petitioner did not possess. Consequently, no exception can be taken to the University's decision in considering her ineligible for the post and refusing appointment on that basis.

7. The contention of learned senior counsel that the Chartered Accountant's firm was a reputed organisation and the experience gained there makes the petitioner eligible as the advertisement did not require it to be in a limited company or government organisation, has no merit. The requirement of three years experience in an organisation of repute is to be read with the criteria requiring such experience only from a Board, Corporation, Authority, Company, Statutory Body, etc. If the two requirements are read in conjunction, it unequivocally shows the University has considered a Board, Corporation, Authority, etc., as an organisation of repute for the purpose of gaining experience. This was duly notified in the advertisement requiring the candidates to apply in terms thereof. Resultantly, even if the Chartered Accountant's firm where the petitioner gained experience, termed itself as an organisation of repute in own assessment, no benefit can be drawn by the petitioner from it so far as selection to the post in question is concerned. Accordingly, she was rightly considered ineligible.

8. For the reasons recorded above, there is no merit in the petition and it stands dismissed.

9. Pending miscellaneous applications, if any, stand disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
(JUDGE)

19.04.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No