

2025:PHHC:168390



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-4334-2023

Date of decision: December 03, 2025

KULDEEP

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Surender Pal, Advocate
for the petitioner.

Mr. Aakash Singla, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to consider the petitioner for appointment on merit against the post of Desktop Publisher Operator (Theory), category no.43, and Litho Offset Machine Minder Instructor (Theory), category no.57, against advertisement 12/2019 published on 20.07.2019.

2. Learned counsel for the petitioner contended that respondent no.2 advertised the aforementioned posts and conducted a Common Entrance Test. The petitioner was applicant for both the posts and cleared the Test as well. He was called for document verification and his documents were found in order. However, his roll number did not figure in the final selection result dated 12.09.2022, Annexure P-14. The detailed result for both the posts was uploaded by the Commission on 13.09.2022, Annexures



P-15 and P-16 respectively, wherein the petitioner was declared ineligible. He sought information under the Right to Information Act, 2005, regarding the reasons for not considering him eligible. As per the Commission's response dated 12.10.2022, Annexure P-17, it was due to experience less than one year against both the posts, though he had secured 68 marks, as against 72 secured by the last selected candidate, and 64 by the last waitlisted candidate. Accordingly, the petitioner found a place in the waiting list on merit, but for ineligibility.

2.1. Essential qualifications for these two posts as notified in the advertisement are as under:

Essential Qualification for the post of Desktop Publisher Operator (Theory):-

(i) All India Council for Technical Education (AICTE) recognized Bachelor degree in Engineering/Technology or its equivalent in **Printing Technology** from AICTE recognized institution/university or Institutions established by Ministry of Human Resource Development (MHRD), Government of India, on full time regular mode basis, with one year practical/teaching experience.

Essential Qualification for the post of Litho Offset Machine Minder Instructor (Theory):-

(i) All India Council for Technical Education (AICTE) recognized Bachelor degree in Engineering/Technology or its equivalent in **Printing Technology** from AICTE recognized institution/university or Institutions established by Ministry of Human Resource Development (MHRD), Government of India,



on full time regular mode basis, with one year practical/teaching experience.

2.2. The petitioner acquired B.Tech in Printing Technology degree on 12.07.2017, Annexure P-2. He claimed to have the requisite experience also, by working as Trainee Printing Executive in A.S. Packers pursuant to offer of appointment dated 15.06.2017, Annexure P-4. Experience certificate to that effect was issued to him on 14.12.2017, Annexure P-5, certifying that he worked as such in the company from 15.06.2017 to 14.12.2017. Thereafter, on clearing a test, he was appointed as Printing Executive in the same company with effect from 15.12.2017 and worked as such till 06.12.2018. A certificate to that effect was separately issued by the company dated 07.12.2018, Annexure P-6. While filling up the application form, the petitioner uploaded these three letters/certificates to show that he had the requisite practical experience for the posts in question. The Commission, however, considered only the experience as Printing Executive from 15.12.2017 to 06.12.2018, and that being short of nine days to one year, declared him ineligible.

2.3. In these circumstances, the petitioner approached this Court. The Department filed a written statement, dated 23.08.2023, stating that the Department had constituted a Committee to decide as to whether the petitioner's training period as Trainee Executive (Printing) could be counted as experience for the posts in question. The Committee opined that he could



be considered eligible for the posts on the basis of this experience. The relevant paragraph of the reply in this regard reads as under:

7. That it is further submitted that with regard to the query that “whether the training period as Trainee Executive (Printing) can be counted as experience or not” as raised by the Hon’ble High Court on the last date of hearing it is stated that the answering respondent constituted a Committee and the Committee opined that:

“The candidate was selected in A.S. Packers during campus interview held on 19.04.2017 and was appointed as Trainee Executive (Printing) for a period of six months with effect from 15.06.2017 and paid gross wages ₹15,000 per month. After completion of this period and passing the test of the company he was appointed as Printing Executive on permanent basis with gross salary of ₹18,000 per month. As such, the general training period of six months of the candidate in the company prior to his regularisation is also to be counted as an eligible experience period.”

Therefore, the training period of the petitioner as Trainee Executive can be counted as experience.

The Commission, however, took a different stand in its additional affidavit, dated 14.10.2024, that the petitioner was rightly considered ineligible because his total practical experience was less than one year. It has further been stated that his experience as General Trainee cannot be considered valid for the posts in question, as the Commission has not done so for any



other candidate. Their interests will be adversely affected by considering the petitioner eligible on that basis.

2.4. It needs a mention here that as established on record vide notice dated 31.01.2023, Annexure P-18, two posts of category 57 and one post of category 43 remained vacant. Further, in the short reply filed on behalf of the Commission also it has been admitted that three out of five advertised posts remained vacant.

3. In this factual background, learned counsel for the petitioner contended that once the Department has opined that the petitioner should be considered eligible for the posts on the basis of his experience as Trainee Executive, there is no basis for the Commission to still consider him ineligible. He has worked against the same post in the company concerned and there is no reason why should such experience be not counted for considering him eligible for the posts.

4. *Per contra*, learned counsel for the respondents contends that the petitioner never worked as Printing Executive in the company for one year. Therefore, he lacks the requisite experience by nine days, which makes him ineligible for the post. The fact has been established from the appointment letter/experience certificate submitted by the petitioner himself. Further, no exception can be made in the petitioner's case as eligibility of all other candidates has been determined by excluding their experience as Trainees.



5. The submissions made by learned counsel for the parties have been heard and considered.

6. As per the facts apparent on record, the petitioner cleared the selection process by securing 68 marks as against 64 of the last waitlisted candidate. The essential qualification for the posts in question is a recognised B.Tech Degree in Printing Technology *with one year practical/teaching experience*. The issue to be adjudicated upon is, whether the petitioner possesses this one year practical experience to be eligible for the posts. He is claiming eligibility on the basis of experience as Trainee Printing Executive in A.S. Packers from 15.06.2017 to 14.12.2017, and as Printing Executive in the same company from 15.12.2017 to 06.12.2018. The Commission has considered him ineligible by only considering the latter experience as Printing Executive, which is short of one year by nine days. The petitioner's claim is based on the premise that he has earlier worked in the same company as Trainee Printing Executive for about six months, and a large part of this experience is after acquiring the essential qualification of B.Tech in Printing Technology on 12.07.2017. Although he is stated to have been working as Trainee from 15.06.2017 to 14.12.2017, he kept on performing the same duties as were performed by him after appointment as Printing Executive in the same company with effect from 15.12.2017. Considering these facts, the Department already decided, on the basis of experts' advice that his period of service as Trainee Printing Executive



is to be counted as experience for the posts. The Commission, however, has persisted with its objection to counting the period on the ground that it has not done so in the case of other candidates. Firstly, particulars of any such candidate who has been declared ineligible by not considering his/her experience as a Trainee, has not been mentioned. The averment is therefore vague, and of little value. Secondly, the essential qualification notified in the advertisement is one year practical/teaching experience, which has not been further circumscribed in any manner. The advertisement does not mention one year practical experience as Executive only, and not as trainee. Accordingly, there is no basis for the Commission to declare the petitioner ineligible by reading the words into the prescribed qualification, which are not actually there. In case it has declared other candidates eligible on that account, the decision cannot be said to be in line with the qualifications required.

7. In view of these peculiar facts, and taking into account that posts in both the categories for which the petitioner has cleared the selection process, are vacant, and also, that he has secured a place in the select/waiting list on merit, this Court holds him entitled to be considered eligible for appointment on the basis of experience as Trainee Printing Executive.

8. Accordingly, the writ petition is allowed, directing the respondents to consider and appoint the petitioner either as Desktop Publisher Operator (Theory) or Litho Offset Machine Minder Instructor



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(Theory) against the vacant post as per merit, subject to his fulfilling other requisite conditions, within a period of four weeks from the date of receiving a certified copy of the order. He will be given appointment notionally from the date other selected candidates pursuant to the advertisement in question have been appointed, with actual benefits from the date of joining the service.

December 03, 2025
Jaspreet Kaur

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned : *Yes*

Whether reportable : *Yes/No*