



CWP-8453-2023

-1-

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

262

CWP-8453-2023

Date of Decision: 22.04.2025

Deepak

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Sunil K. Nehra, Advocate, with
Mr. Viren Nehra, Advocate,
Mr. Rahil Mahajan, Advocate,
Mr. Arjun Dosanj, Advocate,
Mr. Akash Gahlawat, Advocate, and
Ms. Meghna Nehra, Advocate for the petitioner

Mr. Parveen Mehta, DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the impugned final result dated 21.09.2022, Annexure P-11, *qua* General category post of Mechanical Refrigerator and Air Condition Instructor (Theory) for which applications were invited vide advertisement no.12/2019, Annexure P-1. Further, a writ of *mandamus* has been sought directing the respondent Commission to revise the selection result after declaring the petitioner eligible, and issue him the letter of appointment.

2. Facts of the case in brief are, the Commission advertised sixty-eight posts of Mechanical Refrigerator and Air Condition Instructor (Theory), out of which thirty-one were for General category candidates. The petitioner applied for the post under General category and cleared the initial stages of selection. He was asked to participate in the online scrutiny of documents vide



notice dated 27.09.2021, but could not be selected as per final result dated 21.09.2022; cut-off marks under the category were eighty-seven. However, the detailed result was notified later on 22.09.2022, and he was declared 'not eligible'.

3. Pursuant to the last order, learned State counsel has produced the petitioner's result, which is retained on the case file as Annexure 'A'. It shows he has secured eighty-four marks; in case he is to be given one mark for experience and five marks under socio-economic criteria, as claimed, he would be within the zone of consideration.

4. As per the written statement filed by the Commission, the petitioner could not be considered eligible for two reasons; *firstly*, his experience certificate was undated and vague; *secondly*, it was not valid keeping in view the requirements for the post in question. Perusal of selection result produced before the Court makes it clear that the petitioner had uploaded two experience certificates at the time of scrutiny of documents, (i) Annexure P-3 bearing no date, and (ii) Annexure P-10, dated 02.06.2020. Accordingly, there was no reason for the Commission not to consider his candidature on the basis of second experience certificate which certified that he worked as Mechanical Engineer from 20.04.2017 to 31.01.2020 in a project in the Institute of Pesticide Formulation Technology, Department of Chemicals & Petrochemicals, Ministry of Chemicals & Fertilizers, Government of India.

5. Without disputing the facts aforementioned, as also the requirement to consider the petitioner's candidature on the basis of experience certificate, dated 02.06.2020, learned State counsel submits that still he cannot be considered eligible as the said certificate is not the one required for the post in question. However, the written statement filed on behalf of the Commission

**CWP-8453-2023****-3-**

does not specify the reasons why the certificate has been considered invalid. Faced with the situation, it is contended that the Department will again consider validity of the certificate, dated 02.06.2020, for the post in question. In case it is found valid, the petitioner's candidature will accordingly be considered.

6. Learned counsel for the petitioner has no objection to the submissions made by learned State counsel, and submits that in case the petitioner is considered eligible for the post he should be given appointment from the date other selected candidates pursuant to the selection in question have been appointed.

7. In view thereof, the petition is disposed of by directing the respondents to decide validity of the petitioner's experience certificate, dated 02.06.2020, for the post in question; on being found valid, consider and recommend him as per merit and issue a letter of appointment against a vacant post, subject to his fulfilling the requisite conditions, with notional service benefits from the date other selected candidates have been appointed in response to the advertisement in question, and actual benefits from the date of joining. These directions shall be carried out by the respondents within a period of three months of receiving a certified copy of this order. It goes without saying, in case the certificate is not considered valid, reasons thereof will be conveyed to the petitioner within the time stipulated above.

(TRIBHUVAN DAHIYA)
JUDGE

22.04.2025*Payal*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No