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

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**CWP-12622-2025 (O&M)
Date of Decision: 15.07.2025.**

PINKI

...PETITIONER

VERSUS

HARYANA PUBLIC SERVICE COMMISSION AND OTHERS

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present Mr. Jaskaran Singh Johal, Advocate, for
 Mr. Vipin Pal Yadav, Advocate,
 for the petitioner.

 Mr. Balwinder Sangwan, Advocate,
 for the respondents/HPSC.

VINOD S. BHARDWAJ, J. (ORAL)

CM-9646-CWP-2025

Application is allowed as prayed for subject to all just exceptions.

Annexures P-18 to P-20 are taken on record.

The Registry is directed to tag the same at an appropriate place.

Main case

The petitioner assails the legality and validity of the order dated 28.02.2024 (Annexure P-8), passed by the respondent-Haryana Public Service Commission, whereby her application/representation seeking consideration of her candidature for the post of Deputy Director of Agriculture and equivalent (Administrative Cadre) (Group-A) in the

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Agriculture and Farmers Welfare Department, Haryana, pursuant to Advertisement No.13/2023 published on 18.02.2023, stands rejected.

2 Learned Counsel appearing on behalf of the petitioner contends that the petitioner fulfills the requisite educational qualifications prescribed for the post of Deputy Director of Agriculture and equivalent (Administrative Cadre) (Group-A) under Advertisement No.13/2023 published on 18.02.2023 by the Agriculture and Farmers Welfare Department, Haryana, and had accordingly submitted her application for consideration. The essential qualification prescribed for the said post are extracted thus:-

“6. “Essential qualifications:-

- i) B.Sc (Hons.) and 2nd Class M.Sc. in Agriculture from a recognized University.*
- ii) Five years practical experience in Agriculture Research or Extension or both after acquiring the minimum basic qualification*
- iii) Hindi or Sanskrit upto Matric Standard or Higher Education.”*

3 Learned counsel for the petitioner submits that the petitioner, being fully qualified, applied for and appeared in the Written Examination conducted by the Haryana Public Service Commission (HPSC) under Roll No. 10051. The petitioner was declared provisionally qualified in the results of the Screening Test, by the respondent(s), subject to fulfillment of all other eligibility criteria. Subsequently, the petitioner also appeared for and qualified the Subject Knowledge Test. However, during the scrutiny and verification of the application form to determine the petitioner’s eligibility, her candidature was rejected by the respondents for the following reason:—

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“10. Your experience certificate for having worked as Research Scholar in Seed Development & Production in Cotton, CCSHAU Hisar from 3.1.15 to 15.5.18 (3 years, 4 months, 12 days) and as Seed Quality Analyst cum Agricultural Extension Officer (Pradeep Beej Bhandar, Jind) from 16.5.18 to 28.2.23 (4 years, 9 months, 22 days) is not relevant as per advertisement i.e. at least Five years practical experience in Agriculture Research of Extension or both after acquiring the minimum basic qualification. Therefore, your candidature is liable for rejection.”

4 It was specifically provided that, in the event the petitioner had any objection to the rejection of her candidature, she could submit a representation to the competent authority.

5 Pursuant thereto, the petitioner submitted a detailed representation asserting that the experience certificate possessed by her qualified her as a Research Scholar in the field of Seed Development and Production in Cotton, and therefore, she could not be held ineligible. However, the said representation was dismissed vide the impugned rejection order dated 28.02.2024. The operative part thereof reads thus: -

*“As per Advertisement, **Five years practical experience in Agriculture Research of Extension or both after acquiring the minimum basic qualification is required.***

Your experience certificate for having worked as Research Scholar in Seed Development & Production in Cotton, CCSHAU Hisar from 3.1.15 to 15.5.18 (3 years, 4 months, 12 days) and as Seed Quality Analyst cum Agricultural Extension Officer (Pradeep Beej Bhandar, Jind) from 16.5.18 to 28.2.23 (4 years, 9 months, 22 days) is not of

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relevant field as per the requirement mentioned in the advertisement.

Accordingly, your candidature for the aforesaid post(s) stands finally rejected and no further correspondence in this regard will be entertained by the Commission under any circumstances.”

6 Aggrieved thereof, the instant writ petition has been filed.

7 Learned counsel for the petitioner has advanced the following arguments: -

(i) The petitioner worked as a Research Scholar in the field of Seed Cotton Yield and other related quality parameters and was appointed as Agriculture Extension Officer vide appointment letter dated 28.12.2020. She served as a Seed Quality Analyst-cum-Agriculture Extension Officer at Pradeep Beej Bhandar, Jind from 16.05.2018 to 28.02.2023, totaling a period of 4 years, 9 months, and 22 days. Therefore, this experience ought to have been considered as qualifying experience in terms of the requirements prescribed in the Advertisement. Since the Advertisement mandated only five years of relevant experience, if the petitioner's claim is accepted, her total experience would amount to 7 years, 9 months, and 25 days. He submits that the experience certificate submitted by the petitioner in no manner is being doubted or suspected; and

(ii) The respondent(s) have not procured any expert opinion or evaluation to determine whether the practical experience

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possessed by the petitioner in Agriculture Research and Extension at Pradeep Beej Bhandar, Uchhana Kala, District Jind qualifies as the prescribed experience. The respondent-Commission is thus alleged to have arbitrarily rejected the petitioner's claim by holding that her experience is not equivalent to that of an Agriculture Research and Extension Officer as prescribed in the Advertisement.

8 Learned counsel appearing on behalf of the respondent Haryana Public Service Commission (hereinafter 'HPSC'), appearing pursuant to an advance notice, submits that the HPSC carefully examined the petitioner's qualifications and the certificates submitted in support thereof. The Commission concluded that the experience gained by the petitioner at Pradeep Beej Bhandar, District Jind, is not in the relevant field as required under the terms of the Advertisement. He further submits that the cases involving disputes as to equivalence of experience, the matter was referred on two occasions to an expert body. Only after receiving a certificate from the expert body confirming that the candidates did not possess the requisite experience, was their candidature rejected. He places reliance on a similar writ petition, namely **CWP-8210-2024 titled Rahul Hans and another vs. State of Haryana and others**, relating to the same Advertisement, which was **dismissed by this Court by judgment dated 15.04.2024**. The relevant part thereof reads thus: -

“8. Mr. Kanwal Goyal, Advocate, has put in appearance on behalf of respondent No.2-Commission and submits that before deciding the representation of the petitioners by which

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they were claiming eligibility for the said post, the claim being raised by the petitioners was put before the expert for the opinion twice as to whether, keeping in view the claim raised by the petitioners qua the experience, the petitioners are eligible or not and on both the occasions, the opinion of the expert is that the petitioners do not fulfill the requisite of the advertisement dated 18.02.2023 (Annexure P-8) as the experience gained by the petitioners, on the basis of which the eligibility is being claimed, does not qualify them in the field of Agriculture Research or Extension hence, once the expert on the subject has come to the conclusion that the petitioners are not eligible for the post in question, the claim has been rejected by passing appropriate speaking order.

9. I have heard learned counsel for the parties and have gone through the record with their able assistance.

10. It may be noticed that the employer is best suited person to select the person. The prescription of qualification required for a particular post is also within the domain of the employer. In case, any dispute occurs with regard to the eligibility of the candidate, the opinion of the employer will have a preference over the opinion given by the prospective candidate.

11. Further, this Court does not hold a technical background so as to opine whether, the experience certificate submitted by the petitioners is within four corners of the essential qualification as prescribed in the advertisement or not. The respondent-Commission has taken a decision qua the eligibility of the petitioner after obtaining the opinion of an expert. The expert, keeping in view the experience obtained by the petitioners while working in a Bank, has come to the conclusion that the said experience is not covered under the definition of Agriculture Research or the Extension, which is essential for qua the post in question. Once an expert has given

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an opinion, this Court will not sit over as an Appellate Authority over the opinion of the expert so as to arrive at a different decision.

12. As per the settled principle of law, the decision given by the expert has to be maintained and given due weightage while passing order qua the eligibility being claimed on the basis of certain documents/experience certificate. In the present case, the claim of the petitioners has been considered by the expert and found that they are not eligible and on the basis of said opinion, respondents have decided the claim of the petitioner while passing speaking order on their representation hence, this Court will not interfere in the decision of the Commission, which is based upon expert's advice.

13. At this stage, learned counsel for the petitioners submits that the expert is from the respondent-Department only hence, the said opinion should not be given due weightage.

14. It may be merely noticed that even if expert who gave advice/opinion is from the respondent-Department does not mean that he does not have the knowledge or the authority to given opinion on the issue concerned. Once the Department has sought opinion from an expert, even if the said expert belongs to the respondent-Department, the opinion rendered by the expert carries weight and cannot be dislodge unless and until, it is proved that the said opinion is mala fide or biased in any manner.

15. In the present case, no such averment has been made and no document has been brought to the notice of this Court that the petitioners are intentionally being ousted by giving a biased opinion by the expert.

16. No ground is made out for any interference by this Court in the present case.

17. Dismissed."

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9 Learned counsel appearing on behalf of the respondent Haryana Public Service Commission (HPSC) further submits that an expert opinion was obtained specifically in the petitioner's case as well and it was informed that she did not possess the requisite experience in the relevant field as specified in the Advertisement. He further contends that an additional anomaly is evident from the experience certificates submitted by the petitioner from Pradeep Beej Bhandar, Jind. While Annexure P-10 at page no. 89 indicates that the petitioner's experience as Seed Quality Analyst-cum-Agriculture Extension Officer spans from 16.05.2018 to 28.02.2023, another certificate on page no. 91 from the same organization reflects the experience period as 01.01.2021 to 28.02.2023.

10 I have the learned counsel for the respective parties and have gone through documents appended with the present writ petition.

11 The petitioner has placed considerable reliance on her experience as a Seed Quality Analyst-cum-Agriculture Extension Officer with Pradeep Beej Bhandar, Jind, contending that she possesses the requisite practical experience in Agriculture Research and Extension as required by the Advertisement.

12 A specific query was addressed to learned counsel for the petitioner regarding whether Pradeep Beej Bhandar, Uchhana Kalan, Jind functioned as a seed manufacturer or merely as a dealer. It was submitted in response that Pradeep Beej Bhandar, Jind operated solely as a dealer and had been granted a license for the said purpose only.

13 Even though an attempt has been made to demonstrate that the

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petitioner advised farmers regarding the suitable varieties of seeds for their fields, I am of the considered opinion that commercial marketing of seeds cannot be equated with agricultural research. There is no material on record to indicate that Pradeep Beej Bhandar, Jind was engaged in seed manufacturing, germination testing, soil testing, or any other scientific activity related to agriculture. The petitioner's role, at best, involved commercial activities on behalf of a seed dealer, which does not amount to or equate as an agricultural research. Such experience merely reflects the application of agricultural knowledge for marketing purposes and cannot be construed as relevant agricultural research experience.

14 Furthermore, this Court has previously observed in the judgment in **Rahul Hans** (supra) that the Haryana Public Service Commission (HPSC) had sought expert opinion on two occasions to assess the candidates who qualified in the examination but were found ineligible. The expert reports concluded that the petitioner did not meet the eligibility criteria of experience for the post. It is also well established in law that where a dispute arises concerning the equivalence of a candidate's eligibility, the opinion of the employer or competent authority is entitled to a greater weight and preference over the candidate's own assertions.

15 For the reasons given above and as assigned in the judgment passed by this Court in ***Rahul Hans (supra)***, I do not find that there is any illegality, impropriety, perversity or arbitrariness in the action of the respondent(s) in holding the petitioner ineligible for the post of Deputy Director of Agriculture and equivalent (Administrative Cadre) Group-A.

16 No grounds are made out for any interference by this Court in

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the present case.

17 The present writ petition is accordingly dismissed.

July 15, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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