



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
230+110

CWP-34116-2019 (O&M)
Date of decision: 03.09.2025

Sandeep

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunil K. Nehra, Advocate
with Mr. Viren Nehra, Advocate
and Mr. Anuj Chauhan, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl. A.G., Haryana.

HARPREET SINGH BRAR J. (Oral)

CM-8966-CWP-2025

Prayer in the instant application filed under Section 151 of CPC is for placing on record the information obtained under the RTI Act, 2005 vide communication dated 29.07.2024 as Annexure P-9.

Allowed as prayed for subject to all just exceptions.

CWP-34116-2019 (O&M)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned final result dated 12.08.2018 (Annexure P-5) for the 46 posts of Grid Sub Station Operator under EBPGC category vide Advertisement No.3/2016, Category No.5, dated 20.02.2016 (Annexure P-1) by respondent No.2 to the extent that the



name of the petitioner has been excluded from the list of shortlisted candidates. Further a writ of *mandamus* has been sought, directing the respondents to consider the claim of the petitioner for his selection on post of Grid Sub Station Operator under EBPGC category. Further prayer has been made to direct respondent No.2 i.e. Haryana Staff Selection Commission to reserve one post of Grid Sub Station Operator EBPGC Category for the petitioner, during the pendency of the present petition.

2. The brief facts of the case, as emerging from the pleadings of the writ petition, are that respondent No.2, the Haryana Staff Selection Commission, Panchkula, issued Advertisement No.3/2016 dated 20.02.2016 (Annexure P-1), inviting online applications for direct recruitment to various categories, including 418 posts of Grid Sub Station Operator under Category No. 5 in the Haryana Vidyut Prasaran Nigam Limited (HVPNL). Out of these posts, 46 posts were earmarked for the Economically Backward Persons in General Category (EBPGC). The eligibility criteria included a 3 years Diploma in Electrical/Electrical & Electronics Engineering with minimum prescribed marks, knowledge of Hindi/Sanskrit up to Matric standard, and weightage for experience in the form of one percent mark for each completed year of service in a power utility, up to a maximum of eight percent (16 marks out of 200 total). The selection process comprised a written examination (160 marks), experience weightage (16 marks), and viva-voce (24 marks). The petitioner, belonging to the EBPGC category,



applied online for the post of Grid Sub Station Operator under Category No. 5, fulfilling all eligibility conditions, including possession of the requisite diploma and relevant experience. He submitted his application (Annexure P-2) along with relevant documents, including an experience certificate (Annexure P-7). The petitioner appeared in the written examination on 15.01.2017 under Roll No.1305607153, and he cleared the said examination and thereafter, was called for documents scrutiny and verification. Subsequently, his name appeared in the list dated 23.02.2018 (Annexure P-3) for interview, which he attended on 10.03.2018. On 12.08.2018, respondent No. 2 declared the final result (Annexure P-5), wherein the last selected candidate under the EBPGC category secured 106 marks, and the last candidate on the waiting list secured 105 marks out of 200. The petitioner's name was absent from both the lists. Upon checking the marks uploaded on the Commission's website on 17.11.2019 (Annexure P-6), the petitioner found he was awarded 88 marks in the written examination, 15 marks in the interview, and 0 marks for experience, totaling 103 marks. The petitioner claims entitlement to 2 marks for experience, which would bring his total to 105 marks, placing him at least on the waiting list. Despite submitting his experience certificate during application and scrutiny, the same was not considered. Thereafter, the petitioner submitted a representation dated 18.11.2019 (Annexure P-8) to respondent No. 2, but it was not acted upon, leading to the filing of the present writ petition.



3. Learned counsel for the petitioner submits that the essential qualification as set out in the criteria was 03 years Diploma in Electrical/Electrical & Electronics Engineering from any institute recognized by AICTE or by a State Board of Technical Education, with minimum 55% marks in respect of General category along with knowledge of Hindi/Sanskrit upto Matric standard or higher education. In addition to the essential qualification, weightage for experience was to be granted at the rate of 1% per completed year of service, up to a maximum of 8%, to those who had worked with power utilities. The petitioner, having fulfilled all such criteria, duly submitted the documents in accordance with the advertisement (Annexure P-1).

4. It is an admitted position that uploading the experience certificate was not mandatory. The petitioner was found eligible and participated in the selection process. During scrutiny, he produced the experience certificate as evident from the document (Annexure R-2/2 attached with the reply filed by respondent/Commission). The only reason assigned for not granting experience marks was that the experience certificate was issued after the cut-off date. However, learned counsel for the petitioner has pointed out that the experience itself pertains to a period prior to the cut-off date and merely because the experience certificate was issued later, the petitioner could not be legally disqualified. Moreover, in compliance with the order of this Court dated 03.10.2023, an additional affidavit has been filed by the respondent/Commission clarifying that experience is not an essential



qualification, and hence it was to be considered only for awarding additional marks. He further submits that 07 posts are currently lying vacant, and 01 post has been reserved for the petitioner pursuant to this Court's interim order dated 10.07.2024. It is argued that the petitioner, after addition of the additional weightage of experience, would fall within the ambit of selection list, which was valid at the time of filing the present petition.

5. On the other hand, learned State counsel submits that in the advertisement itself, it has been clearly mentioned that no offline application form or copy of downloaded form will be accepted by the office. The qualifications/eligibility conditions, age and other documents will be determined with regard to last date fixed to apply online applications also called as closing date i.e. 04.04.2016, given in the advertisement. He further refers to Note (ii) at page 26 of the paperbook under the heading, which reads as follows:-

ii) Qualification and other term and conditions of eligibility will be determined with regard to the last date fixed for receipt of online applications.

6. As such, the petitioner has rightly been non-suited as he obtained the experience certificate after the cut-off date and has not uploaded the same on the website. Further, even if the petitioner is given additional weightage of experience certificate, he will not fall within the selection list.

7. Learned State counsel could not controvert the fact that the experience certificate is not one of the document, which was required to



be uploaded in pursuance to the advertisement (Annexure P-1). Further there is no dispute with regard to experience certificate of the petitioner as the period of experience mentioned in the experience certificate was prior to the cut-off date. Moreover, there is no denial to the assertion of the petitioner with regard to 07 posts lying unconsumed.

8. I have heard learned counsel for the parties and perused the record with their able assistance.

9. The pivotal issue that arises for consideration in the present writ petition is whether the petitioner was unjustly denied marks for experience despite possessing the requisite period of experience prior to the cut-off date, merely on the ground that the experience certificate evidencing the same was issued subsequently.

10. Upon consideration of the record and submissions made by learned counsel for the parties, this Court finds that the petitioner had admittedly fulfilled all essential eligibility conditions as required under Advertisement No.3/2016, including academic qualification, category status (EBPGC) and participation in each stage of the recruitment process. The eligibility criteria for the post of Grid Sub Station Operator, reads as follows:-

Haryana Vidyut Prasaran Nigam Limited, Haryana.

Cat. No.5

418 posts of Grid Sub Station Operator,

(GEN=118, SC = 77, BCA=61, BCB=35, EBPG=46, ESM-Gen=33, ESM- 3C = 10 ESM- 3CA = 10 ESM- CB = 14 , OSP-Gen = 4 , OSP- SC = 5, 5P-BCA = 3 BCB-02) 418, PHC-OH=08(One Leg/One Arm), HH(Partial Deaf)=06.

E.Q.



i) 3 Years Diploma in Electrical/ Electrical & Electronics Engineering from any institute recognized by AICTE or by a state board of Technical Education, with a minimum 55% marks in respect of General Category candidates and 50% marks in respect of SC category candidates of Haryana Domicile. The percentage marks required for other categories would be same as for General category candidates.

ii) Knowledge of Hindi/Sanskrit upto Matric Standard or higher education.

iii) The weightage of experience to the Contractual workers engaged by any power utility would be given as under:-

Weightage of Experience

One percent mark for each completed year of service in the respective category be granted subject to a maximum of eight percent with the rider that the qualifying service should have been in any Power Utility in the same capacity.”

Further the details of the documents, which were required to be uploaded, are as under:-

DOCUMENTS TO BE UPLOADED WITH APPLICATION FORM

- i) Scanned Copy of Essential Qualifications i.e. Matric showing Date of Birth and mark sheet of 10+2/Graduation/Diploma/Degree etc.*
- ii) Scanned Copy of Sport Gradation Certificate in case of Outstanding Sports Persons, duly issued by the Competent Authority.*



- iii) *Scanned Copy of Haryana Domicile Certificate in case of BCA/BCB/SC/PHC/EBPG/ESM/DESM/DFP and women issued by competent authority.*
- iv) *Copy of Challan/credit certificate issued by Treasury/e-Challan as the case may be, in case of candidates who have applied earlier.*
- v) *Scanned Photographs duly signed by the Candidate.*
- vi) *Scanned signatures of the Candidate.*

The candidature of the petitioner was considered valid to the extent that he was called for document scrutiny and thereafter for interview. Accordingly, the foundational eligibility of the petitioner is not in question.

11. The petitioner's claim cannot be rejected solely because the experience certificate was issued after the cut-off date, especially as the advertisement did not explicitly require the certificate to be uploaded with the application nor mandate its issuance before the cut-off date. The respondent/Commission's reasoning to deny marks on this ground is irrational and lacks justification. The petitioner's actual experience period, which determines the weightage, was well before the cut-off date and undisputed. Furthermore, the respondent/Commission did not contest the authenticity of the petitioner's experience. The requirement to upload the experience certificate was not mandatory at the time of application; it was only to be produced at document verification, which the petitioner complied with. Therefore, exclusion of the petitioner on a mere technicality is unjustified. Since experience is not an essential qualification but only grants additional weightage, the cut-off date



applies to essential qualifications alone, not to supporting documents proving prior experience.

12. This Court in ***Gajraj Singh vs. State of Haryana and others***, passed in ***CWP No.13215 of 2009***, decided on **05.05.2010** has categorically held that despite the absence of any waiting list or presence of a specific bar on formulation of the same, if there are suitable candidates available in the order of merit, they ought to be considered for selection and appointment against the posts which remained vacant due to non-joining of the selected candidates. Furthermore, the State of Haryana assailed the findings recorded by a Coordinate Bench of this Court in ***Gajraj Singh (supra)*** by filing **LPA No.716 of 2011**, which was dismissed by the Division Bench vide order dated **20.04.2011**. In fact, it was further laid down that it is settled law that once a post remains unconsumed and a meritorious candidate is available next in the merit list, the vacancy has to be filled by inviting him/her. Reliance is further placed upon the identical issue dealt *in extenso* by this Court in ***CWP No.15962-2020*** titled as ***Anshul vs. State of Haryana and another*** decided on **08.03.2022**, wherein this Court had directed the respondent/Commission to consider the claim of the petitioners therein, being next in the order of merit to the post of Naib Tehsildar. The respondents therein thereafter, preferred **LPA No.404 of 2024** before this Court and **SLP(C) No.12404 of 2024** before the Hon'ble Supreme Court, both of which were dismissed. As such, the claim of the petitioner is required to be considered in view of the



judgments passed in ***Gajraj Singh's case (supra)*** and ***Anshul's case (supra)***. The operative part of the judgment passed in Gajraj Singh's case (supra), reads as follows:-

*“3. Having heard the learned counsel, we are of the view that the aforesaid contention which has again been raised before us was rightly rejected by the learned Single Judge. **It is well settled that once a post has not been consumed and a meritorious candidate in the merit list is available then the vacancy could be filled in by inviting next person in merit. The direction issued by the learned Single Judge are consistent with the principles of equality laid down in Articles 14 and 16(1) of the Constitution.** The post of Lecturer in Hindi has to be offered to the most meritorious candidate who may be next in the merit after Vinod Kumar under the exserviceman category. Therefore, no exception is provided to interfere in the view taken by the learned Single Judge. The appeal is wholly without merit and does not warrant admission. Accordingly, the appeal fails and the same is dismissed.”*

13. Notably, 07 posts under the EBPGC category remain vacant, and 01 post was kept reserved for the petitioner pursuant to this Court's interim order dated 10.07.2024. Awarding 02 experience marks to the petitioner would raise his total marks to 105, equal to the last candidate on the waiting list, entitling him to inclusion on the list and consideration for appointment.

14. In the light of the above, the petitioner, being fully eligible and on the waiting list, is entitled to appointment against the vacant post. Accordingly, the writ petition is allowed. The



respondent/Commission is directed to recalculate the petitioner’s marks by awarding appropriate experience marks and recommend his appointment as Grid Sub Station Operator (Category No.5) within a period of 08 weeks from the date of receipt of certified copy of this order. Needless to say, the petitioner, if found eligible, shall also be granted notional benefits from the date his batchmates received their appointment letters.

(HARPREET SINGH BRAR)
JUDGE

03.09.2025
yakub

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