

CWP-17979-2021

2026:PHHC:071243



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

225

CWP-17979-2021

Date of Decision: 06.05.2026

Veenit Kumar

....Petitioner

VERSUS

Managing Director, Dakshin Haryana Bijli Vitran Nigam, Hissar And Ors

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. S.K. Redhu, Advocate
for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Himanshu Chauhan, Advocate for
Mr. Udit Garg, Advocate, Advocate
for respondent No.1.

Mr. Mazush Khan, Advocate
for respondent No.3.

HARPREET SINGH BRAR, J. (Oral)

1. This Civil Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* to quash the result dated 22.04.2021 (Annexure P-9) to the extent whereby 49 candidates of General Category for the post of Junior System Engineer have

CWP-17979-2021

2026:PHHC:071243



been selected in Dakshin Haryana Bijli Vitran Nigam against Advertisement No. 11/2019, illegally ignoring the genuine claim of the petitioner by not granting 2 marks for 3 years 9 months and 03 days' experience, and further for issuance of a writ in the nature of *mandamus* directing the respondents to grant 2 marks for 3 years 9 months and 03 days' experience and to issue appointment letter to the petitioner, because after granting 2 marks, the petitioner comes within the zone of selection by securing $92+2=94$ marks, whereas the last selected candidate i.e. respondent No. 3 has secured only 93 marks and it is further prayed that the result dated 22.04.2021 (Annexure P-9), to the extent of 49 posts of Junior System Engineer of General Category, may kindly be stayed during the pendency of the present petition, or alternatively, one post may be kept reserved for the petitioner during the pendency of the present petition by restraining the respondents from allowing joining of the last selected candidate i.e. respondent No. 3.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner had participated in the selection process for the 146 posts of Junior System Engineer, advertised on 05.07.2019 vide advertisement No.11/2019 (Annexure P-1). Learned counsel for the petitioner refers to the Clause 2.3 Criteria for Selection, Examination & Syllabus at page No.47-48 of the paper-book, which provides as follows:-



“2.3 Criteria for Selection, Examination & Syllabus

(i) The Scheme of marks in respect of selection to the posts shall comprise of total 100 marks, as detailed below:

<i>Sr. No.</i>	<i>Subject</i>	<i>Marks</i>
<i>1.</i>	<i>Written Exam</i>	<i>90</i>
<i>2.</i>	<i>Socio-Economic criteria and experience</i>	<i>100</i>

(ii) The 90 marks of written examination shall be divided into two parts comprising:-

- a) 75% weightage for General Awareness, Reasoning, Maths, Science, Computer, English, Hindi and concerned or relevant subject, as applicable.*
- b) 25% weightage for History, Current Affairs, Literature, Geography, Civics, Environment, Culture etc. of Haryana.*

(iii) The 10 marks for socio-economic criteria and experience shall be allocated as follows:-

a. If neither the applicant nor any person from among the applicant’s family viz. father, mother, spouse, brothers and sons is, was or has been a regular employee in any Department/Board/Corporation/Company/Statutory Body/Commission/Authority of Government of Haryana or any other State Government or Government of India.

CWP-17979-2021

2026:PHHC:071243



(5 marks)

b. If the applicant is:-

(i) a widow; or

(ii) the first or the second child and his father had died before attaining the age of 42 years; or

(iii) the first or the second child and his father had died before the applicant had attained the age of 15 years.

(5 marks)

c. If the applicant belongs to such a denotified tribe (Vimukt Jatis and Tapriwas Jatis) or Nomadic tribe of the State of Haryana which is neither a Scheduled Caste nor a Backward Class.

(5 marks)

d. Experience:

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

(A maximum of 8 marks)”

CWP-17979-2021

2026:PHHC:071243



2.1. He further submitted that the petitioner had submitted the uploaded Annexures P-3 and P-4 along with his application form prior to the cut-off date which was extended up to 03.02.2020. A perusal of Annexures P-3 and P-4 clearly indicates that the petitioner had rendered the service to Guru Jambheshwar University of Science & Technology, Hisar, (hereinafter referred to as “University”) as Junior Programmer though his services were obtained through outsourcing agency. However, the principal employer was the aforesaid University, which is a public University and the petitioner has submitted the certificate issued by the said University on 18.11.2020 (Annexure P-5), which clearly indicates that the petitioner has joined the University as Junior Programmer on 01.05.2016 at Pay Level-7 and the nature of work attached to his post includes software development and maintenance, networking etc.

2.2. As such, the petitioner completely fulfills the benchmark set out in the advertisement and further the case of the petitioner is squarely covered by the judgment rendered by Hon’ble Supreme Court in ***Chaudhary Charan Singh Haryana Agricultural University, Hisar and another Vs. Monika & Ors., Civil Appeal No.10800 of 2024, decided on 29.11.2024.*** He refers to *para Nos.21 and 22* of the said judgment and submits that *pari materia* experience rendered by a candidate in the University even through

CWP-17979-2021

2026:PHHC:071243



outsource was found to be valid experience satisfying the criteria laid down in *Clause (d)* i.e. experience of the advertisement. The facts of the case are identical and the Hon'ble Supreme Court has rejected the objection of the appellant-University that the experience certificate was not issued by the University rather it was issued by the service provider.

3. Learned State counsel representing respondent No.2 submits that only the certificate(s) which were uploaded along with the application form before the cut-off date were required to be considered and admittedly, the certificates were issued by the outsourcing agency. The regulatory framework in the advertisement detailed at Clause 2.4(iv) provides that only the experience certificate issued by the concerned appointing authority shall be considered and the certificates (Annexures P-3 and P-4) issued by the outsourcing agency cannot be considered. Further, the certificate issued by the Deputy Registrar of the University was issued on 18.11.2020, after the cut-off date.

4. Having heard the learned counsel for the parties and after perusal of the record, it transpires that the petitioner has participated in the selection process for the 146 posts of Junior System Engineer advertised by the respondent No.2-Commission on 05.07.2019 (Annexure P-1). The criteria for selection and examination of syllabus is provided in Clause 2.3

CWP-17979-2021

2026:PHHC:071243



(*supra*). The details of the documents, required to be uploaded with application form (mandatory) reads as under:-

“3.1 Documents to be uploaded with Application Form (MANDATORY)

1. *Scanned copy of Essential Academic Qualifications and Matriculation Certificate showing Date of Birth and other relevant details.*
2. *Scanned copy of SC/BCA/BCB/EWS/ESP/ESM/DESM/DFF/PwD (Person with Disabilities) certificate alongwith Haryana domicile certificate issued by competent authority.*
3. *Scanned copy of certificate claiming weightage/marks under socio-economic criteria and experience alongwith Haryana domicile certificate issued by competent authority.*
4. *Scanned photo duly signed by the Candidate.*
5. *Scanned signatures of the Candidate.*
6. *Scanned copy of all documents showing higher qualification, experience etc. on which basis candidate claim marks.*

3.2 Scrutiny of Documents

Only those document which are uploaded by the candidates shall be considered. If there is any variation in the document uploaded and produced at the time of scrutiny



candidature shall be liable to be cancelled. If any application is found without uploading requisite supporting documents and other relevant information, the candidate himself/herself shall be responsible for that and his/her candidature would be liable to be cancelled due to lack of proper or correct documents/information.”

Further, the regulatory framework was provided in *Clause 2.4* of the advertisement, which reads as follows:-

“2.4 Regulatory Framework

- 1. Certificate for an applicant whose father has died issued by Tehsildar/Naib Tehsildar: Refer Annexure AI, AII.*
- 2. Widow Certificate issued by Tehsildar: Refer Annexure BI, BII.*
- 3. Vimukt Jati and Tapriwas Jati certificate issued by Tehsildar: Refer saralharyana.gov.in or Antyodaya Saral Centers at District Level or Tehsildar office.*
- 4. Experience Certificate issued by the concerned Appointing Authority.*
- 5. Affidavit attested by Executive Magistrate in prescribed format regarding no. point: Refer Annexure E1 to be uploaded application form and brought at the time of Scrutiny.”*

5. There is no dispute regarding the fact that the petitioner has gained valuable experience while working in the University, which is a

CWP-17979-2021

2026:PHHC:071243



public University and satisfies the criteria prescribed in the advertisement (Annexure P-1). The objection raised by respondent No.2-Nigam is hyper-technical and deserves to be rejected, as the primary object of prescribing such criteria is to ascertain whether the candidate has acquired the requisite experience and having a direct nexus with the duties to be performed during regular service. Indubitably, the petitioner has served in the University, which is a statutory body. Therefore, the petitioner has a valid claim for grant of marks towards experience, and the respondent cannot deny such benefit by adopting a hyper-technical approach. Further, the case of the petitioner is squarely covered by the judgment rendered by the Hon'ble Supreme Court in ***Chaudhary Charan Singh Haryana Agricultural University, Hisar (supra)***, wherein the following has been observed:-

“.....21. Moving on to the Advertisement in this case calling for our attention, we find that it required:

“ (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 a period less than six months. (a maximum of 5 marks)”

22. A literal reading of the terms relating to experience confirms that marks could be secured by an aspirant for experience gathered while working in the

2026:PHHC:071243



enumerated departments of the Government of Haryana; however, while referring to 'same or a higher post', the term 'sanctioned' as a prefix is conspicuous by its absence. Additionally, neither the Outsourcing Policy nor the Advertisement defines the word "post". What follows is that an aspirant, to secure mark for experience, must prove with documents that he/she has been employed for performing work of the nature required by the same or a higher post. Importantly, it has not been shown that either the Recruitment Rules or the Advertisement specifically bar(s) aspirants from securing marks for experience gained from contractual / outsourced employment. Thus, we have no hesitation to hold that the mode of employment is not the primary concern. To our mind, the primary concern is the nature of work performed and whether the work undertaken by the candidate has any nexus with the purported work to be undertaken during the course of regular service. That the first respondent had rendered service for a statutory body in excess of six months and is, therefore, covered by the last part of clause (d) does not admit of any doubt and hence, she had a valid claim for securing 0.5 mark for experience.

23. The state policy, specifying that the individual must have worked on a post equal to or higher than the advertised posts in any of the enumerated departments to secure marks for experience, also reflects the state's belief that the experience in such departments is directly

2026:PHHC:071243



relevant to the advertised posts. It is not open for the University to now deny marks on the basis of a technical procedural deviation that the experience certificate was not issued by the University, but rather by the service provider. While we accept the contention raised by the University that the certificate was per se not issued by it, the fact that it was countersigned by the Head of the Department validates the first respondent's claim that she had indeed gained certain experience which deserved to be given credit.

24. We also do not agree with the contention of the University that the first respondent did not work on the post of Clerk and rather performed "office work". The certificate awarded to her evidently mentions that the work she was required to undertake is the work of Clerk-cum-Typist. Moreover, the certificate also mentions that her work was found quite satisfactory. The first respondent has also brought on record a memo by the Professor and Head of the Department which specifically acknowledges that she has been designated as a Clerk-cum-Typist during her tenure.

25. The first respondent, thus, cannot be denied the benefit of mark for experience merely because at the time of appointment as outsourced manpower, she was not appointed on a sanctioned post.

26. The true thrust of every selection process ought to be to find out and select suitable candidates,



having experience in the related work and fulfilling other criteria, from among eligible candidates and to go ahead with appointing the more meritorious of those found suitable. If indeed an individual without having any security of service performs up to the mark and receives commendation from none other than the Head of the Department, who must have closely watched his/her performance, it would occasion a failure of justice to exclude such individual for no better reason than that he/she did not work on a sanctioned post. If indeed such be the requirement, it had to be made explicitly clear in the Advertisement without any ambiguity so as not to generate false hopes in the minds of individuals aspiring for public employment. Any other view would be against both the principles of equality and nonarbitrariness enshrined in the Constitution as well as principles of natural justice. Tested on the touchstone of Articles 14 and 16, the impugned decision of the University cannot sustain.

27. An underlying current throughout the Constitution is the theme of “social justice”. The Preamble, as well as Article 38 of the Constitution, enjoins upon the State instrumentalities the duty to promote the welfare of the people by securing and protecting, as effectively as it may, a social order, in which justice – social, economic and political – shall inform all the institutions of national life and endeavour

2026:PHHC:071243



to eliminate inequalities in status, facilities and opportunities. Whenever a conflict arises between the powerful and the powerless, social justice commands the Courts to lean in favour of the weaker and poorer sections where the scales are evenly balanced.

28. In this case, for the foregoing reasons, refusal to award any mark for experience to the first respondent would go against the grain of the constitutional duty of ensuring equality and securing social justice for the deprived.....”

(emphasis added)

5.1. In view of the above discussion, the present petition is allowed and the objection of the respondents that experience certificates (Annexures P-3 and P-4) issued by Outsourcing Agency is not valid and is rejected. The respondent-Commission is directed to re-determine the merit of the petitioner after awarding appropriate marks towards experience on the basis of the certificates (Annexures P-3 and P-4) submitted by the petitioner prior to the cut-off date along with the application form, and thereafter make its recommendation accordingly to employer-respondent No.1 within a period of two months from the date of receipt of a certified copy of this order.

5.2. It is further clarified that the petitioner shall be entitled to all consequential notional benefits, including seniority and deemed date of

CWP-17979-2021

2026:PHHC:071243



appointment, strictly in accordance with his merit. However, the petitioner shall not be entitled to any salary for the period prior to his actual joining.

6. Pending miscellaneous application(s), if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

06.05.2026
parul verma

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No