IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.5886 of 2009

Decided on : 25-08-2009

Smt. Gargi

.... Petitioner

VERSUS

State of Haryana and others

.... Respondents

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.

Present:- Mr. Ravi Sharma, Advocate, and
Mr. Sunil Bhardwaj, Advocate,
for the petitioner.

Ms. Kirti Singh, A.A.G. Haryana,
for respondent Nos.1 and 3.

Ms. Gehna Vaishnavi, Advocate, for
Mr. R.M. Singh, Advocate,
for respondent No.2.

Mr. R.K. Malik, Senior Advocate, with
Mr. Vishal Malik, Advocate,
for respondent No.4.

None for respondent No.5.

SATISH KUMAR MITTAL, J (Oral).

The petitioner, who is one of the unsuccessful candidate for the appointment on the post of Accounts Assistant in HUDA, has filed the instant petition challenging the selection of respondent No.4 on the said post. It is the case of the petitioner that as per advertisement dated 22.3.2007 (Annexure P-1), the essential

qualification prescribed for the said post is as under:-

i) B.Com. with two years experience in Accounts in Government/ Semi Government Organization

ii) B.Com. Ist Class with two years experience in Accounts in a reputed private organization.

iii) Hindi upto Matric standard.

It is the case of the petitioner that in spite of the fact that respondent No.4 was not possessing the requisite qualification and experience for the said post, he was selected. The selection of respondent No.4 has also been challenged on the ground that he was less meritorious than the petitioner.

In the written statement filed on behalf of respondent No.3, it has been stated that respondent No.4 possesses the qualification of B.Com. with 46.1% marks and M.Com. with 53.5% marks and experience as Accounts clerk from Gymkhana Club, Rohtak from March, 1999 to 31.1.2003. It has been stated that the experience from Gymkhana Club, which is a Semi Government Organization, was to be taken as the requisite experience. Regarding respondent No.5 , it has been stated that she was kept in the waiting list, but she also possesses the qualification of B.Com. with 56.4% marks and M.Com. with 61.45 marks and the required experience from the office of the Official Liquidator, Ministry of Company Affairs, Sector 26, Chandigarh. Thus, both these candidates were fully eligible, therefore, they were called for

interview and in order of merits, respondent No.4 was selected and respondent No.5 was kept in the waiting list by the respondent-Commission.

In the written statement filed on behalf of respondent No.4, it has been stated that the answering respondent possesses the B.Com. Degree and has the experience from Gymkhana Club, therefore, he was fully eligible for the appointment on the said post. Regarding the petitioner, it has been submitted that though she was not eligible as she was not possessing the experience in Accounts, but she was called for interview. In this regard, it is stated that she was working as Beldar. Her experience of Account Assistant from 18.8.1992 to 31.3.1993 was not sufficient to make her eligible for the said post.

After hearing counsel for the parties, I do not find any merit in the instant petition. The averments made in the written statement filed on behalf of respondent Nos.3 & 4 have not been controverted. Counsel for the petitioner has argued that respondent No.4 was not an employee of the Gymkhana Club, rather she was an employee of a contractor. No such plea has been taken by the petitioner in the writ petition. In the written statement of respondent No.4, it has been categorically stated that respondent No.4 has possessed 4 years' experience as Accounts Clerk in the Gymkhana Club and on the basis of experience certificate, he was considered eligible and selected for the post. In view of the said factual position, it cannot be said that respondent No.4 was not eligible for

the said post and he was wrongly selected being unqualified. As far as the merit position is concerned, it has been stated that the petitioner has secured 39.50 marks out of 75 marks in General Category as against 44.78 marks of the last selected candidate in her category. The counsel for the petitioner could not point out that how she was more meritorious than the selected candidates.

Hence, there is no merit in the petition.

Dismissed.

25th August, 2009. **(SATISH KUMAR MITTAL)**
Monika **JUDGE**