2026:PHHC:135879

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-28581-2017
Date of Decision: 21.09.2026

Surender .....Petitioner

VERSUS

CCS HAU, Hisar through its Registrar and others …..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Jagdeep S. Rana and Ms. Preet Jha, Advocates
for the petitioner.

Mr. Priyavrat Prashar, AAG Haryana.

Mr. Bhuwan Vats, Advocate for respondent No.1 (through VC).

Mr. Sudhir Hooda, Advocate for respondent No.3.

Ms. Akshita Nanda, Mr. Deepak Girotra, Mr. Shivendra Swaroop, Mr. Chetan Sharma and Mr. Yaseen Sethi, Advocates for respondent No.4.

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HARPREET SINGH BRAR, J.

1. This Civil Writ Petition has been filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction, especially in the nature of *mandamus*, for setting aside the selection and appointment (Annexure P-6 (Colly)) of Ms. Sheetal Chaudhary as Assistant Professor (Computer and ICVT), CCS HAU, Hisar, and further for issuance of an appropriate writ, order or direction in the nature of *mandamus* directing the respondents to revise the assessment of merit of candidates for the post of

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Assistant Professor (Computer and ICVT) and to offer appointment to the said post to the petitioner, who would become No. 1 in merit in case the marks are correctly assessed.

CONTENTIONS

2. Learned counsel for the petitioner, *inter alia*, contends that the respondent-University invited applications from eligible candidates for various teaching posts vide Advertisement No.1/2016 (Annexure P-1). The petitioner applied for the post of Assistant Professor (Computer and ICVT) and was called for interview on 03.07.2017. A copy of memo dated 16.06.2017, along with the list of eligible candidates for the post in question, shortlisted by the respondent-University, is available on record, wherein the name of the petitioner figures at Sr. No.4 (at page No.53 of the paper-book), as discernible from Annexures P-3 and P-4, respectively. The Selection Committee prepared the merit list on 03.07.2017 (Annexure P-5) and, vide impugned order dated 20.07.2017 (Annexure P-6), respondent No.3 was offered appointment, who joined as Assistant Professor (Computer and ICVT) on 21.07.2017. The petitioner, with the assistance of one Gurdev Singh, obtained information regarding the experience of respondent No.3. Perusal thereof clearly indicates that respondent No.3 had worked as Clerk-cum-Jr. Data Entry Operator in the University since 2011. Learned counsel contends that respondent No.3 has been selected in complete departure from the criteria laid down in the advertisement. Referring to page No.36 of the advertisement, learned counsel for the petitioner submits that the criteria regarding experience, as provided under Clause 2, specifically stipulates that two marks

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shall be awarded for each year of experience, after Master's degree, in Teaching, Research or Extension in the cadre of Instructor, including temporary employment as Research Associate, Training Associate, Technical Assistant, Assistant Professor, STA, Research Fellow, etc. The said criteria nowhere provides that experience as a Clerk-cum-Jr. Data Entry Operator would constitute relevant experience for the post of Assistant Professor. It is, therefore, contended that respondent No.3 was not entitled to the 10 marks awarded to her towards experience. The petitioner has secured 51.39 marks, whereas respondent No.3 has secured 54.6 marks, including 10 marks awarded for experience, and respondent No.4 has secured 51.75 marks.

3. Learned counsel for respondent No.4 supports the submissions made by learned counsel for the petitioner to the extent that respondent No.3 did not possess the requisite experience for which 10 marks were awarded to her. It is further submitted that the petitioner is placed at Serial No.1 of the waiting list, having secured 51.39 marks, as against 54.6 marks secured by respondent No.3.

4. Learned counsel for respondent No.3 submits that it is the prerogative of the employer and the Selection Committee to assess the experience of a candidate and that the Selection Committee found respondent No.3 suitable on the basis of the experience acquired by her. It is further submitted that the respondent No.3 had also served the respondent-University and, therefore, he has rightly been offered appointment to the post of Assistant Professor (Computer and ICVT).

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5. Learned counsel for the respondent-University supports the submissions advanced by learned counsel for respondent No.3 and submits that the Selection Committee deemed it appropriate to consider the experience of respondent No.3 as Clerk-cum-Jr. Data Entry Operator as relevant experience for the post of Assistant Professor in Computer and ICVT.

OBSERVATIONS AND ANALYSIS

6. Having heard learned counsel for the parties and upon perusal of the record, it transpires that the petitioner and respondents No.3 and 4 participated in the selection process initiated pursuant to the advertisement (supra) for the post of Assistant Professor in the discipline of Computer and ICVT. The criteria for selection to the post of Assistant Professor is provided in the advertisement (supra) and is available on record at page No.36 of the paper-book, which reads as under:-

> ***"Criteria for selection of Assistant Professor and equivalent posts by open selection as approved by the BOM vide item No. B-15 in its 255th meeting held on 07.02.2017***
>
> ***Allotment of marks***

1.	*Qualifications*	*50 marks*
2.	*Experience*	*10 marks*
3.	*Academic Awards*	*15 marks*
4. a)	*Publications in relevant field*	*5 marks*
b)	*Quality of publications*	*5 marks*
5.	*Performance and expression in the interview*	*15 marks*
	Total	*100 marks*

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1. Qualifications: 50 marks

Academic Qualifications: 45 marks

For Bachelor's degree, 10 marks *on pro-rata basis treating maximum percentage of 100 equivalents to 10 marks and percentage of 50 as equivalent to 5.00. The calculation on prorata basis will be as per* ***Annexure-I.***

For Master's degree, 20 marks *on pro-rata basis treating maximum percentage of 100 equivalents to 20 marks and percentage of 55 as equivalent to 11.00. The calculation on prorata basis will be as per* ***Annexure-I.***

For Ph.D degree, 15 marks *on pro-rata basis treating maximum percentage of 100 equivalents to 15 marks and percentage of 55 as equivalent to 8.25. The calculation on prorata basis will be as per* ***Annexure-I.*** *Where, there is no grading in Ph.D level, committee will decide marking depending on quality.*

The conversion of OGPA into percentage will be as per Annexure-A

Additional qualifications: 5 marks

a) Post doctoral training of not less than one year duration	*3 marks*
b) Any other PG training/higher training involving not less than three months duration- at a rate of 1 marks per training in the concerned subject	*2 marks*
Maximum marks under (a) and (b) will be restricted to 5.	

2. Experience: 10 marks

Two marks shall be given for each year of experience (after Master's degree) in Teaching, Research or Extension in the cadre of Instructor including temporary appointments as Research Associate/Training Associate/Technical Asstt./ Asstt. Prof., STA, Research Fellow etc. *Note: A candidate will be liable for rejection if his work and conduct in the past is not found to be satisfactory. For this purpose, the candidate would have to attach a character certificate from the institution last attended and/or from his last employer.*

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3. Academic Awards: 15 marks

i) University Gold Medal	*4 marks for each degree*
ii) National Award instituted by ICAR/UGC/CSIR/GOI/National Academies (as specified in Annexure 'B')	*10 marks*
If a candidate gets more than one award for the same achievement, the highest award will be considered for allotting the marks, limited to a maximum of 15 marks	

4(a) Publications in relevant field: 5 marks

i) Published papers in standard scientific referred journals:	
a) For full paper	*1.00 mark*
b) For research note/short communication	*0.50 mark*
ii) Papers presented and documented in Seminar/symposium/conference at National/ International level	*0.50 mark per paper*
iii) Popular articles published in leading farm journals/magazines	*0.25 mark*
iv) Books published by Universities/ National Institutes/Standard publishers	
a) Authored Book	*2.50 marks*
b) Edited Book	*1.50 marks*
c) Chapter/Bulletin	*1.00 mark*

4(b) Quality of Publications: 5 marks

To be adjudged by the Selection Committee

5. Performance and expression in the interview: 15 marks

To be adjudged by the Selection Committee

6. Minimum qualifying marks for appointment:

The minimum marks qualifying for appointment will be as under:-

(a) GC 40 marks
(b) SC/ST 35 marks"

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7. On the basis of the aforesaid criteria, respondent No.3 was offered appointment. The experience certificate of respondent No.3 (Annexure P-8) reads as under:-

> "*It is to certify that Ms. Sheetal Choudhary has been working as Clerk-cum-Jr. Data Entry Operator in this University since 22.07.2011. She is a confirmed employee of this University. Her basic pay is Rs.8810+40SP in the pay band of Rs 5200-20200+1900GP+40SP This University has no objection for her attending the interview for the post of Assistant Professor in Computer &ICTV in Ch. Charan Singh Haryana Agricultural University, Hisar.*"

7.1. Respondent No.3 was awarded 10 marks towards experience. A plain reading of the prescribed criteria makes it clear that experience in Teaching, Research, Extension, Instructor, Research Associate, Training Associate, Technical Assistant, Assistant Professor, STA and Research Fellow was recognised as relevant experience for the purpose of awarding two marks for each year. On the other hand, respondent No.3 was working as a Clerk-cum-Jr. Data Entry Operator, the nature of whose duties, as disclosed from the experience certificate, is administrative and ministerial. Such experience cannot be construed as experience in Teaching, Research or imparting instructions in the capacity of Research Associate, Training Associate, Technical Assistant, Assistant Professor or Research Fellow.

8. Further, the issue regarding the relevance of experience acquired on a post other than the post applied for has been considered by this Court in ***Manjeet Ahlawat v. State of Haryana and another*****, CWP-24270-2026,** decided on 06.08.2026, wherein this Court, while considering whether

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experience acquired on a different post could be treated as the prescribed experience for the post advertised, observed as under:-

> *"8. The essential qualification prescribed in the advertisement (Annexure P-5) draws a clear distinction between Degree holders and Diploma holders. While a Degree holder is required to possess one year of practical/teaching experience, a Diploma holder must possess two years of such experience. Since the petitioner is claiming appointment on the basis of her Diploma qualification pursuant to the directions issued by this Court in CWP No.33392 of 2025, her eligibility has to be examined with reference to the requirement of two years of practical/teaching experience in the 'concerned trade/field', as prescribed under Note (b) of the advertisement.*
>
> *9. The experience certificates relied upon by the petitioner and uploaded by her are attached as Annexures P-3 and P-4, respectively. A perusal of Annexure P-3 shows that the petitioner worked as a "Lab Technician" in Karnal Institute of Technology & Management from 15.07.2016 to 29.09.2017. This period aggregates to approximately one year and two and a half months. The certificate does not specify the nature of her duties or the field of work and it merely states that she worked as a Lab Technician. The subsequent clarification issued by the same Institute on 22.07.2026 (Annexure P-15) merely states that she worked as a Lab Technician in the "Civil Department". However, Note (b) to the essential qualification mandates that the experience should be in the "concerned trade/field", which for the present post is Interior Decoration and Designing. The experience of a Lab Technician in the Civil Department, in the absence of any specific details about the nature of duties being related to teaching or practical training in Interior Decoration and Designing, cannot be construed as 'practical/teaching experience' in the concerned trade/field.*
>
> *10. The second experience certificate (Annexure P-4) certifies that the petitioner was awarded the National Craft Instructor Certificate after undergoing training from September 2017 to August 2018. This is a training period for obtaining a qualification, which is not an experience certificate per se. The advertisement itself treats the Craft Instructor Training Course (CITC) as a preference as is evident from Note (a) which states*

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that ***"Preference shall be given to degree/diploma holder candidate possessing Craft Instructor Training Course in relevant trade/P.O.T., from NCVT recognized institute."*** *Furthermore, as per Clause 3.2, the respondents are obliged to consider only those documents which are uploaded by the petitioner and a belated clarification cannot be relied upon to cure the inherent defect in the experience certificate.*

11. The petitioner's contention that her experience certificates were earlier accepted at the time of scrutiny by respondent No.2 is misplaced. The initial scrutiny of documents is a preliminary step and does not confer any vested right upon the candidate to be appointed. The final determination of eligibility is always subject to verification of the documents and the candidate fulfilling all the conditions laid down in the advertisement. The preliminary acceptance of documents does not estop the respondents from later finding the candidate ineligible if the documents do not fulfill the prescribed criteria. The respondents are duty-bound to verify the eligibility conditions at every stage and a preliminary scrutiny cannot be treated as a final determination of eligibility.

12. The precise issue raised in the present petition is no longer res integra. The controversy regarding the treatment of experience gained on a post other than the one applied for has already been authoritatively answered by this Court in ***CWP-3597-2014****, titled as* ***Kusum vs. State of Haryana and another****, decided on* ***27.07.2026****. In that case, the petitioner, who had applied for the post of PGT Mathematics, sought to have her experience as a Lecturer in a recognized College of Education, treated as equivalent to the requisite experience as a PGT. While dismissing the said writ petition, this Court has placed reliance upon the judgment rendered in* ***Ashok Kumar and others vs. State of Haryana and others, CWP-21410-2012****, wherein it has been held that experience acquired as a Lecturer in a College cannot be treated as experience as a PGT merely because the teaching assignment may be at a higher academic level. The operative part of the said judgment reads as under:-*

> *"The petitioners do not have the experience of four years as PGT instead they possess that experience and Lecturer. They, thus, submit that their*

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experience as Lecturer be included to fulfill the aforesaid eligibility conditions of 4 years as well.

We are afraid that such a contention of the petitioners cannot be accepted. There is a definite purpose of prescribing 4 years of teaching the students in PGT which, for the post now advertised, is the only material consideration. Even when the petitioner have taught as lecturer, i.e. at a higher post and to the college going students, such experience cannot be made use of while fulfilling the requirement contained in the Rules.

We therefore, don't find any merit petition which is accordingly dismissed."

13. The aforesaid principle has, thereafter, been consistently reiterated by this Court in ***Kamlesh vs. State of Haryana and another, (CWP-14666-2012)****,* ***Ajit Kumar vs. Haryana School Teachers Selection Board and another, (CWP-19687-2012), Suman Rani vs. State of Haryana and others (CWP-17881-2012)****, and was further affirmed by the Division Bench of this Court in* ***Nirmalendu vs. State of Haryana and others, (LPA-1206-2012)****.*

14. ***The ratio of law laid down in the aforementioned judgments is squarely applicable to the case of the petitioner. The petitioner herein is claiming that her experience as a "Lab Technician" in the Civil Department should be treated as the requisite "practical/teaching experience" for the post of "Interior Decoration and Designing Instructor." However, the advertisement explicitly requires experience in the "concerned trade/field." The experience of a Lab Technician, even in the Civil Department, cannot be equated with the experience of an Instructor in Interior Decoration and Designing. The duties, nature of work and the field of specialization are fundamentally different. The respondents are bound to adhere strictly to the prescribed criteria, and they cannot be compelled to accept an experience that does not fall within the four corners of the advertisement.***

15. Consequently, this Court finds no merit in the present petition. The impugned order dated 01.07.2026 (Annexure P-14) is based on a correct appreciation of the essential qualifications

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prescribed in the advertisement and the experience certificates submitted by the petitioner. The respondents have rightly held that the petitioner does not fulfill the mandatory requirement of two years of practical/teaching experience in the concerned trade/field.

16. Accordingly, the writ petition is dismissed."

9. The aforesaid principle is squarely attracted to the facts of the present case. The experience prescribed under the advertisement is specific in nature and relates to Teaching, Research or Extension in the cadre of Instructor, including the specifically enumerated temporary appointments. The experience certificate of respondent No.3, however, only records her having worked as a Clerk-cum-Jr. Data Entry Operator. The nature of duties attached to the said post is administrative/ministerial and is fundamentally different from the teaching, research or instructional experience prescribed under the advertisement. Merely because the experience was acquired in the same University, such experience cannot, by itself, be treated as equivalent to the experience expressly prescribed for the post of Assistant Professor. The Selection Committee was required to assess the experience strictly in accordance with the criteria notified in the advertisement and could not enlarge or depart from the same while awarding marks. Consequently, the 10 marks awarded to respondent No.3 towards such experience cannot be sustained.

10. Normally, while exercising jurisdiction under Article 226 of the Constitution of India, this Court does not ordinarily sit in appeal over the decision taken by the Selection Committee. However, where there is a palpable deviation from the prescribed criteria and irrelevant experience,

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having no nexus with the post offered for appointment, has been taken into consideration, this Court can scrutinize the decision-making process to ascertain whether the same has been undertaken in furtherance of the criteria laid down in the advertisement (supra), or whether the Selection Committee has acted *de hors* the settled criteria and in an arbitrary manner.

CONCLUSION

11. In view of the above discussion, the selection and appointment of respondent No.3 to the post of Assistant Professor (Computer and ICVT), to the extent it is based upon the aforesaid 10 marks awarded towards experience, cannot be sustained. Accordingly, present petition is allowed and the impugned selection/appointment of respondent No.3 is set aside and the respondent-University is directed to consider the appointment of the eligible suitable candidate for the post in question on the basis of the merit prepared by the selection committee within a period of three months from the date of receipt of a certified copy of this order.

12. The petitioner shall be entitled to all consequential notional benefits. However, the actual monetary benefits shall be admissible to the petitioner from the date of his joining.

13. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

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

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