



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

**CWP No. 9586 of 2025  
Date of Decision: 15.07.2025**

**Gourav Kumar**

**....Petitioner**

vs.

**State of Haryana and others**

**....Respondents**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Shreenath A. Khemka, Advocate  
for the petitioner

Mr. Raman Sharma, Addl. A.G., Haryana

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of communication dated 24.03.2025 (Annexure P-11) whereby his appointment has been cancelled on the ground that he did not meet the eligibility.

2. The petitioner pursuant to advertisement No. 9 of 2024 dated 02.08.2024 applied for the post of Marketing Officer in HAFED. In the advertisement, essential qualification was prescribed which reads as below:-

*“103. MBA (Spl. in Mkg.) from a recognised University or Institute with Graduation & 1 years exp. in Mkg. Preference will be given to Ist Class B.Sc. Agri/Ind M.Sc Agri on 40% seats.”*



3. The petitioner participated in the test and his name figured at Sr. No. 3 in the final result. He was not allowed to join on the ground that he did not possess requisite experience. The respondent vide communication dated 24.03.2025 has specifically rejected his claim on the ground that he does not possess one year's practical experience in Marketing. The relevant extracts of communication dated 24.03.2025, for the sake of convenience, are reproduced as below:-

*"This case was examined thoroughly in respect of qualifications as provided in Hafed Common Cadre Rules, 1988 as well as advertised by the HSSC for the post of Marketing Officer. Sh. Gourav Kumar was heard in person on 17.03.2025 by undersigned. During the course of hearing, Sh. Gourav Kumar submitted the experience certificate of Vocational Teacher (Contractual/Outsource) in the Olo Principal, Government Senior Secondary School, Damla, District-Yamuna Nagar.*

*As per Hafed Common Cadre Rules, 1988, the requisite qualification for the post of Marketing Officer is "MBA (Spl. in Mkg) from a recognized University or Institute with Graduation and 1 year experience in Mkg. Preference will be given to the 1st Class B.Sc. Agriculture /IInd M.Sc. Agriculture on 40% seats" which means Sh. Gourav Kumar should have one year practical experience in Marketing but as per record submitted by him in HSSC, he has no experience in the Marketing.*

*Sh. Gourav Kumar does not fulfill the eligibility criteria as per Hafed Common Cadre Rules, 1988 and cannot be considered for appointment to the post of Marketing Officer. Therefore, the candidature of Sh. Gourav Kumar has been finally cancelled.*

*Hence, you are requested to recommend a suitable candidate having qualification and experience as per Hafed*



*Common Cadre Rules, 1988, in place of Sh. Gourav Kumar S/o Sh. Rishi Pal, Roll No. 9240700330.”*

4. Mr. Shreenath A. Khemka, Advocate submits that in the advertisement, it was nowhere prescribed that experience in Teaching would not be considered. The advertisement required that candidate must have one year's experience in Marketing. The petitioner was teaching 'Retail Marketing', thus, his experience falls within the prescribed requisition. It is settled proposition of law that wider interpretation should be extended in case of confusion. In the advertisement, it was not jotted down that what should be the nature of experience. Experience of teaching 'Retail Marketing' should be considered.

5. *Per contra*, counsel for the respondents submits that advertisement is quite clear and lucid. A candidate is required to have one year experience in Marketing. Teaching experience cannot be compared with Marketing. Experience of Marketing is entirely different from Teaching. Marketing is a practical experience whereas Teaching is a theoretical experience.

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

7. From the perusal of advertisement, it is evident that candidate was supposed to have Master's Degree in Business Administration from a recognised University and one year experience in Marketing. The advertisement clearly provides that experience should be in Marketing. As per petitioner, there is no clarity in the advertisement. Experience of Teaching has not been specifically excluded, thus, scope of experience



contemplated by advertisement should be expanded. Teaching experience should be included.

8. It is settled proposition of law that Court cannot add or subtract any word or expression from the advertisement. It is the recruitment agency which has to determine nature and requisition of essential qualification. The Court has no authority to prescribe qualification. The Court cannot even consider equivalent qualification. The experience of Teaching is not practical experience whereas in the advertisement, experience of Marketing was prescribed. Marketing is a practical experience. In the absence of inclusion of Teaching experience, this Court cannot hold that every candidate who was teaching in Marketing would be eligible. Experience in Marketing means a person must have practical experience of Marketing.

9. In the wake of above discussion and findings, this Court is of the opinion that instant petition deserves to be dismissed and accordingly dismissed.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**15.07.2025**  
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	