

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 16686 of 2015
Date of decision: 13.08.2015

Ex. Constable Harminder Singh

....Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.L.S.Sidhu, Advocate, for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

1. The present writ petition has been filed against the dismissal order dated 14.01.2014 (Annexure P6), passed by the Commandant, 7th Battalion PAP. The said order has been upheld by the Deputy Inspector General of Police, (Administration) on 31.03.2014 (Annexure P7) and also by the Inspector General of Police, PAP, Jalandhar Cantt. on 10.09.2014 (Annexure P9) and further approved on 29.01.2015 (Annexure P11).

2. Counsel for the petitioner submits that the petitioner had a compartment in the B.Sc degree on the basis of which, he had taken the benefit at the time of appointment but the same was done unwittingly and that the basic qualification was 10+2 and therefore, it is not that the petitioner did not have the requisite qualifications. It is submitted that the grave punishment of dismissal from service has been imposed though the petitioner had worked for one year.

3. It is not disputed that a show cause notice was issued to the petitioner on 23.12.2013 (Annexure P4) regarding submitting of false information of his educational qualifications at the time of the recruitment. In the reply submitted by the petitioner, the plea taken was that as per the rules, the B.Sc examinations could be cleared after giving the compartment examination and five opportunities are given by the University and he had not broken any rule and that point he had passed his 6th semester examination in December, 2011. After holding enquiry, the enquiry authority took into consideration the fact that the petitioner had attached

the 6th semester certificates and that he had written to the Selection Board that he be considered pass for the said examination at that point of time. He was given the benefit of 13 points after considering his B.Sc qualifications and thereafter, his merit improved. If his B.Sc examination was not taken into consideration since he had compartment of 3rd, 4th and 5th semesters, his qualification was only +2 and only 10 points had to be awarded and he would be out of the merit-list and another candidate would have a right.

4. Keeping in view the said fact that the petitioner was appointed as a Police Officer and that for the serious misconduct, he could not be allowed to remain in the Department and as he had resorted to deceitful means, the order of termination was passed. The said order, as noticed, has been upheld by all the authorities, keeping in view the above noticed facts. The submission of counsel that the basic requirement was only +2, cannot be accepted. Admittedly, as per the terms of advertisement and as per Clause 6 C(c)(i), it has been provided that in the interview, candidates will be awarded marks on the basis of the educational qualifications. A candidate having a graduate degree would be entitled for 13 marks in the interview. The authorities have found that if the said 13 marks had not been awarded, the petitioner would not have been selected. It is not disputed that the cut-off date of the applications was 10.11.2011 and the petitioner only obtained his final degree on 17.01.2013 and therefore, could not claim benefit of the said marks for having passed B.Sc. final year. It is, thus, clear that he had never had the requisite qualifications for the additional marks on the cut-off date and therefore, could not have taken the benefit, which he tried to take. In such circumstances, the findings which have been recorded by the authorities for a member of a disciplined force does not suffer from any infirmity, which would warrant any interference in the extraordinary jurisdiction of this Court.

5. Accordingly, the present writ petition is dismissed.