

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 209

Case No. : C. W. P. No. 6445 of 2011

Date of Decision : April 06, 2015

Rajiv Bharti

.... Petitioner

Vs.

Punjab State Warehousing Corporation Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. R. K. Arora, Advocate
for the petitioner.

Mr. A. D. S. Sukhija, Advocate
for the respondent.

* * *

DEEPAK SIBAL, J. :

Through the present petition, the petitioner has approached this Court for declaring the action of the respondent, in not treating him eligible for recruitment to the post of Godown Assistant, as patently illegal, arbitrary, mala fide and unconstitutional. The petitioner further prays for issuance of a direction to the respondent to consider his candidature for

appointment to the post of Godown Assistant in pursuance to the advertisement (Annexure P-1).

The respondent – Punjab State Warehousing Corporation (hereinafter referred to as – the Corporation) has justified its action by stating as under :-

“6. *That the contents of para No. 6 of the petition are incorrect and denied as far as the same relates to the allegation that the petitioner is eligible for the post of Godown Assistant. The requirement of qualification for the said post, as given in the advertisement, was that the applicant should be a graduate in Agricultural, Science, Arts or Commerce and should have passed the matriculation examination with Punjabi as one of the compulsory or elective subject or any other equivalent examination in Punjabi language which may be specified by the Government from time to time.*

The petitioner did not possess any of the above said qualifications and therefore he cannot be said to be eligible for the post of Godown Assistant. It is an incorrect and fallacious assertion that the degree of Bachelor of Pharmacy falls under the Science Stream and should be considered eligible. The petitioner has not been able to show any thing to justify his claim by adducing any evidence to show that his qualification can be treated at par with the qualification prescribed for the post. The answering respondent had taken a conscious decision regarding what qualifications are to be included for the post in question.

[Emphasis supplied].”

From the above stand taken by the respondent Corporation, which remains unrebutted by the petitioner, it is clear that the qualification for the post of Godown Assistant, as given in the advertisement, was that an

applicant should be a graduate in either of the streams i.e. Agriculture, Science, Arts or Commerce and should have passed the matriculation examination with Punjabi as one of the compulsory or elective subject or any other equivalent examination in Punjabi language which may be specified by the Government from time to time. Admittedly, the petitioner did not possess any of the above qualifications, and therefore, he was rightly not considered eligible. The petitioner was a Bachelor in the stream of Pharmacy, which does not fall under Science, Arts or Commerce Stream. The petitioner has not produced anything to show that Bachelor in Pharmacy could be treated at par with the prescribed qualifications.

In view of the above, no fault can be found with the action of the respondent Corporation in rejecting the candidature of the petitioner. Resultantly, the writ petition is dismissed with no order as to costs.

(DEEPAK SIBAL)
JUDGE

April 06, 2015

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