

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 20433 of 2014

DATE OF DECISION: 12.05.2015

Shamsher Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. S.K. Hooda, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. D.A.G., Haryana.

DAYA CHAUDHARY, J.

The prayer in the present petition is for quashing of impugned letter dated 10.9.2014 (Annexure P-12), whereby, the petitioner has been ousted from the selection and his candidature for the post of Revenue Patwari has been cancelled against advertisement No. 5/2007. A further prayer has also been made for issuing directions to the respondents to appoint the petitioner on the post of Revenue Patwari from the date his juniors have been appointed alongwith all consequential benefits.

Briefly, the facts of the case are that respondent No.4 invited applications for the post of Revenue Patwari vide advertisement No. 5/2007. The minimum prescribed qualification for the said post was matriculation. In response thereto, the petitioner applied in the category of ex-servicemen. After verification of the documents and finding the

petitioner eligible for the post, interview card as well as Roll No. 008134 was issued to him. The petitioner appeared for interview before the Selection Committee and all his documents were verified by the respondent-Commission. He was kept at Sr. No. 263 in merit and his name was sent to Director General Land Records, Haryana, Panchkula for appointment on the post of Revenue Patwari. Thereafter vide letter dated 11.2.2014, his name was sent to Director, Development and Panchayat Department, Haryana, Chandigarh. Thereafter, his name was sent to Deputy Commissioner, Panchkula vide letter dated 28.2.2014 (Annexure P-6) for appointment against vacant post available under his jurisdiction. He was also got medically examined and was found fit by Civil Surgeon, Rohtak.

Learned counsel for the petitioner contends that even after verification of the documents and medical examination of the petitioner, the appointment letter was not issued to him and a clarification was sought from the Haryana Staff Selection Commission whether the selection had been made on the basis of particulars mentioned in the application with regard to matriculation examination from Haryana School Education Board. Upon this, respondent-Commission asked the petitioner to appear in its office on 22.7.2014 along with all original documents including Matriculation certificate. In response thereto, the petitioner along with all original documents appeared before the Commission but still he was not appointed. Learned counsel further submits that there was no concealment on the part of the petitioner but it was wrongly mentioned in the application form that he has passed matriculation examination from Haryana School Education Board, whereas, he had passed his Matriculation examination from Sampurnanand Sanskrit Vishwavidyalaya, Varanasi and his candidature has wrongly been cancelled

for the post of Revenue Patwari. Learned counsel also submits that an attested copy of the matriculation examination was attached with the application form and same was also submitted at the time of verification of the documents as well as at the time of interview. There was no intention on the part of the petitioner to mislead or conceal anything from the respondents. Neither any forged document was attached with the application form nor any concealment was there on the part of the petitioner but the candidature of the petitioner has been cancelled on technical grounds. Learned counsel has also relied upon the judgment of Hon'ble the Apex Court in the case of **Commissioner of Police and others Vs. Sandeep Kumar** 2011 (4) SCC 644, in support of his contentions.

Learned State counsel submits that the petitioner in his application form has not only mentioned that he has passed Matriculation examination from the Board of School Education, Haryana but even the marks have also been written wrongly. Learned counsel further submits that the documents attached with the application form were different from the documents shown at the time of verification. The matter thereafter was referred to Secretary, Haryana Staff Selection Commission and it was reported that the Commission was required to take cognizance of only those documents, which were attached with the application form. As the petitioner did not submit the certificate of Matriculation examination of Sampurnanad Sanskrit Vishwavidyalaya, Varanasi along with the application, therefore, no cognizance could be taken of the documents, which were not submitted. Learned State counsel also submits that the petitioner has not only given the false information in his application form but has also admitted that the application form was filled up by his son and not by him.

Heard the arguments advanced by learned counsel for the parties and have also gone through the impugned letter as well as other documents available on the file.

A perusal of the application form submitted by the petitioner would show that he has mentioned that he had passed the Matriculation examination from Haryana School Education Board, whereas, he has passed the same from Sampurnanand Sanskrit Vishwavidyalaya, Varanasi. The marks of the petitioner in the matriculation examination are 279/500 which is second division, whereas, in the application form he has mentioned that he has passed Matriculation in first division with 60% marks. The petitioner has made all efforts to mislead the Selection Committee as not only the marks have wrongly been mentioned but name of the Board has also been mentioned wrongly. Even while filing this petition, it has been mentioned that the application form was filled up by his son, whereas, the declaration against column No. 14 of the application form was to be signed by candidate himself.

From the aforesaid facts, it is apparent that the intention of the petitioner was not fair as all efforts have been made to mislead the selection Committee by giving false information with regard to marks, division as well as name of the Board. The selection on the basis of wrong averments made in the application form cannot sustain. The judgment relied upon by learned counsel for the petitioner is not applicable keeping in view the facts and circumstances of the case.

Accordingly, I do not find any merit in the submissions made by learned counsel for the petitioner and the petition being devoid of any merit is hereby dismissed.

May 12, 2015
pooja

(DAYA CHAUDHARY)
JUDGE

