

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.23486 of 2013 (O&M)
Date of Decision :19.02.2015

Rajwinder Kaur

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

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

Present : Mr.V.K.Thakur , Advocate for the petitioner

Ms. Monica Chibber Sharma, DAG, Punjab

MAHESH GROVER, J.

The petitioner prays for appointment as a Cutting and Tailoring Instructor in the Scheduled Caste (Ex-serviceman) category to which post she had applied pursuant to the advertisement dated 1.3.2013.

The petitioner being a dependent of Ex-serviceman and a Scheduled caste is not in dispute. The appointment was denied to the petitioner on the ground that the certificate issued by the Sainik Welfare Board in this regard restricted the purpose of certificate to employment to the post of sewing teacher and thus not applicable to Cutting & Tailoring Instructor.

In support of such a stand taken by the respondents a reference has been made to clause 12 of the advertisement which is extracted herebelow:-

“12. The original documents of candidates called for

interview/ counselling will be verified. In case any document is found to be false at the time of verification, the candidature will be cancelled. No second chance will be given to the candidate to produce original documents.”

On due consideration of the matter, I find that such a restrictive interpretation placed on certificate to oust the petitioner from consideration altogether is totally arbitrary and unjust. The fact that the petitioner belongs to the Scheduled Caste and is a lineal descendent of an Ex-serviceman is not in dispute. The certificate issued to the petitioner is for intended employment and whether it is for purpose of Sewing teacher or any other employment would make no difference to the underlined purpose of its issuance and I am thus of the opinion that that respondents have erred in denying the petitioner employment on the basis of the certificate by the restrictive interpretation placed by them on the purpose of the certificate. The larger import of the certificate was for employment and should have been accepted as such. Finding the approach of the respondents to be arbitrary, I accept the instant petition and direct the respondents to consider the case of the petitioner for employment on the basis of the certificate issued by the Sainik Welfare Board in the light of what has been stated above. Let needful be done as expeditiously as possible, preferably within a period of six weeks from the date of receipt of the certified copy of this order.

February 19, 2015
rekha

(MAHESH GROVER)
JUDGE