

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

LPA No.1394 of 2015(O&M)

Date of decision:22.9.2015

Narinder Kumar

....Appellant

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Dinesh Mahajan, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 05.03.2014 whereby the writ petition filed by the petitioner for appointment on account of failure of the respondents to grant marks for experience remained unsuccessful.

The appellant applied for the post of an Ophthalmic Officer. He claimed experience from the year 1991 to 1994 in Dr. Om Parkash Eye Institute (P) Ltd., Amritsar. The experience certificate could not be verified by the Civil Surgeon as there was no record was available with the hospital regarding working of the appellant. It is on the said ground the appellant was not given any benefit of the experience said to have gained by the appellant while working with Dr. Om Parkash Eye Institute (P) Ltd., Amritsar.

Before the Writ Court, the appellant placed on record certificate issued by Dr. Vinod Biala to the effect that the appellant was working as Ophthalmic Assistant from the year 1992 to 1994 in Dr. Om Parkash Satyam Netralya 123, Pocket-B, Mayur Vihar, Phase-II, Delhi. Such certificate was given for the reason that the Doctor who had issued the certificate was also working in the said hospital but learned Single Judge did not find any merit in the writ petition for the reason that when the Civil Surgeon verified the certificate produced by the appellant, the Civil Surgeon was informed that there was no record available regarding working of the appellant in the hospital.

The appellant claims to have worked in Dr. Om Parkash Eye Institute (P) Ltd., Amritsar but there is no record from the said hospital. The appellant contends that the said hospital has closed down and therefore, he has produced the record from the other doctor for the same period.

The initial certificate dated 18.12.2013 produced by the appellant is to the effect that he was working at Dr. Om Parkash Eye Institute (P) Ltd., Amritsar from January, 1992 to January, 1994. The said certificate reads as under:-

“Certified that Mr. Narinder Kumar S/o Mr. Vaishno Dass had work in this Institution as an Ophthalmic Assistant from Jan 1992- Jan 1994. During his stay in this institution he had been intelligent and hard working Ophthalmic Assistant and enjoyed upto date knowledge of this subject. He was very popular amongst the patients and staff members. We wish him success in the life to come.”

However, the subsequent certificate dated 19.02.2014 (Annexure P-7) is that the appellant was working as Ophthalmic Officer in

Dr. Om Parkash Satyam Netralya 123, Pocket-B, Mayur Vihar, Phase-II, Delhi from the year 1992 to 1994. The certificate reads as under:-

“This is to certify that Mr. Narinder Kumar S/o Shri Vaishno Dass R/o. Dera Baba Nanak (Punjab) was working as Ophthalmic Assistant at Dr. Om Parkash Satyam Netralya 123, Pocket-B, Mayur Vihar, Phase-II, Delhi from 1992 to 1994 when I was working at the above mentioned hospital as Eye Surgeon.

He was doing Refraction Assisting in O.T. for various surgical procedures. His work and conduct was good. I wish him all success.”

Not only that this experience certificate produced before the authorities could not be verified by the Civil Surgeon at the time of process of selection but the two certificates produced by the appellant cannot be reconciled as well.

In view of the said fact, we do not find any merit in the present appeal directed against the well reasoned order of the learned Single Judge.

Dismissed.

(HEMANT GUPTA)
JUDGE

SEPTEMBER 22, 2015
‘D. Gulati’

(RAJ RAHUL GARG)
JUDGE